

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

**ERCIL GATES
#8864-08**

PLAINTIFF

V. 4:08CV04208 BSM/HDY

“DOC” HOLLADAY, Sheriff, Pulaski County; RANDY MORGAN, Chief, Pulaski County Detention Facility; SHAWN SMITH Major, Pulaski County Detention Facility; KELLEY PAXON, Captain, Pulaski County Detention Facility; VEROCHIA PETERS, Captain, Pulaski County Detention Facility; EMORY MARTIN, Lt., Pulaski County Detention Facility; and COMIC, Deputy, Pulaski County Detention Facility

DEFENDANTS

ORDER

The court has reviewed the proposed findings and recommended partial disposition submitted by United States Magistrate Judge H. David Young. No objections have been filed. After careful consideration, the court concludes that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety as this court’s findings in all respects.

IT IS THEREFORE ORDERED that:

- 1) Plaintiff’s claims related to his allegations of inadequate law library time, threats by jail officials, the failure to follow procedures set forth in the jail handbook, and deductions from his inmate trust account are dismissed for failure to state a claim under 42 U.S.C. § 1983; and
- 2) Plaintiff shall be allowed to proceed with the remainder of his claims, concerning his conditions of confinement. The Clerk of the Court is directed to prepare summons for the defendants, and the United States Marshal is directed to serve a copy of the complaint (Doc. No. 2),

the partial recommended disposition (Doc. No. 5), this order, and summons on defendants without prepayment of fees and costs or security therefore.

DATED this 3rd day of June, 2009.


UNITED STATES DISTRICT JUDGE