

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**ELMER L. CARTER
ADC #600308**

PLAINTIFF

V.

4:09CV00757 BSM/JTR

**ANGELA BIDDINGS, Nurse,
Pulaski County Regional Detention Center, et al.**

DEFENDANTS

ORDER

The court has reviewed the proposed findings and recommended partial disposition submitted by United States Magistrate Judge J. Thomas Ray. No objections have been filed. After careful review, the court concludes that the proposed findings and recommended partial 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. Pursuant to the screening function mandated by 28 U.S.C. § 1915A: (a) defendant Grievance Officer Brawley is **DISMISSED, WITHOUT PREJUDICE**, because plaintiff has failed to state a viable claim against her; and (b) plaintiff shall **PROCEED** with his inadequate medical care claims against the remaining seven defendants.

2. The court **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this order would not be taken in good faith.

3. The Clerk is directed to prepare a summons for defendants Biddings, Stowe, Daniels, Morgan, Johnson, Speers, and Jefferson.

4. The U.S. Marshal is directed to serve the summons, complaint, and this order

on defendants Bidding, Stowe, Daniels, Morgan, Johnson, Speers at the Pulaski County Detention Center without prepayment of fees and costs or security therefor.¹

5. The U.S. Marshal is directed to serve the summons, complaint, and this order on defendant Jefferson at the Health for Life Center, 1100 N. University, Suite 240, Little Rock, AR 72205.²

Dated this 28th day of October, 2009.


UNITED STATES DISTRICT JUDGE

¹If any of the defendants are no longer Pulaski County employees, the ADC Compliance Office shall file, with the return of unexecuted service, a **SEALED** statement providing the last known private mailing address for the unserved defendant.

² If defendant Jefferson no longer works for the Health for Life Center, the individual responding to service shall file, with the return of unexecuted service, a **SEALED** statement providing his last known private mailing address.