

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

MARK E. CAMPBELL,
ADC #144234

PLAINTIFF

v.

Case No. 5:11CV00021 JLH/JTR

ARKANSAS DEPARTMENT
OF CORRECTION, *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections. After carefully considering these documents and making a *de novo* review of the record in this case, 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.

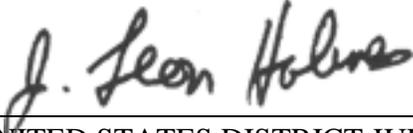
IT IS THEREFORE ORDERED that:

1. Defendant ADC is DISMISSED, WITH PREJUDICE, because it is immune from suit.
2. Plaintiff's pendent state law negligence claim is DISMISSED, WITH PREJUDICE, because Defendants are entitled to immunity.
3. Plaintiff's pendent state battery claim is DISMISSED, WITHOUT PREJUDICE, because he has failed to state a claim upon which relief may be granted.
4. Plaintiff's Fourteenth Amendment due process claims are DISMISSED, WITHOUT PREJUDICE, because he has failed to state a claim upon which relief may be granted.
5. Plaintiff may PROCEED with his Eighth Amendment failure to protect claims against Defendants Harris, May, Whalen, Golden, Banks, Meizner, Walker, and Jones.

6. The Clerk is directed to prepare a summons for Defendants Harris, May, Whalen, Golden, Banks, Meizner, Walker, and Jones, and the U.S. Marshal is directed to serve the summons, the Complaint, Amended Complaint, Second Amended Complaint, and this Order on them through the ADC Compliance Division, without prepayment of fees and costs or security therefor.¹

7. 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.

Dated this 29th day of March, 2011.


UNITED STATES DISTRICT JUDGE

¹ If any of the Defendants are no longer ADC 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.