-JTR Polk v. Pulaski County et al Doc. 12

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

ALLEN POLK,
#1902-11 **PLAINTIFF**

V. **4:11CV00501 BRW/JTR**

PULASKI COUNTY, 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.[1] 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. Plaintiff may PROCEED with his conditions of confinement claim related to receiving inadequate hydration and his excessive force claim against Defendants Blankenship, Ward, Elizandro, Woodward, Hunter, Seaton, and McKenzie.[2]

2. The remaining claims and Defendants are DISMISSED, WITHOUT PREJUDICE, for failing to state a claim upon which relief may be granted.

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[1]Plaintiff has filed a response stating that he has no objections. *See* Doc. No. 11.

[2]If any of the Defendants are no longer North Little Rock employees, the individual responding to service shall file – **UNDER SEAL** – the unserved Defendant's last known private mailing address.

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3. The Clerk is directed to prepare a summons for Defendants Blankenship, Ward, Elizandro, Woodward, Hunter, Seaton, and McKenzie. The U.S. Marshal is directed to serve the summons, Complaint, Amended Complaint, Second Amended Complaint, and this Order on them without prepayment of fees and costs or security therefor.

4. 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 8th day of August, 2011.

/s/Billy Roy Wilson
UNITED STATES DISTRICT JUDGE