

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

**TIMOTHY LEE WHEELER,
ADC #085605, et al.**

PLAINTIFFS

v.

CASE NO. 4:13CV00379 BSM

PULASKI COUNTY, ARKANSAS, et al.

DEFENDANTS

ORDER

The proposed findings and partial recommended disposition [Doc. No. 14] submitted by United States Magistrate Judge J. Thomas Ray have been reviewed. No objections have been filed. After careful consideration and a *de novo* review of the record, it is found that the proposed findings and partial recommended disposition should be, and hereby are, approved and adopted in their entirety.

IT IS THEREFORE ORDERED that:

1. Plaintiff Timothy Wheeler may proceed with this lawsuit, and all other plaintiffs are dismissed without prejudice.
2. The complaint [Doc. No. 1] is stricken from the record.
3. Wheeler must, **within thirty (30) days of the entry of this Order**, file a substituted complaint that complies with the instructions in the partial recommended disposition.
4. Wheeler is advised that if he fails to timely and properly do so, this case will be dismissed, without prejudice, pursuant to Local Rule 5.5(c)(2).
5. The applications to proceed *in forma pauperis* of plaintiffs Nelson, Holmes,

Salgado, Tillman, Carter, Scott, and King [Doc. Nos. 2, 3, 5, 6, 9, and 15] are denied as moot.

6. It is certified, pursuant to 28 U.S.C. Section 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 2013.



UNITED STATES DISTRICT JUDGE