

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

JEFFREY WOLFE, ADC #124018

PLAINTIFF

v.

No. 4:16CV00824 JLH/JTR

YELL COUNTY DETENTION FACILITY, et al.

DEFENDANTS

ORDER

The Court has reviewed the Recommendation submitted by United States Magistrate Judge J. Thomas Ray and Wolfe's objections. Documents #17 and #18. After completing a *de novo* review of the record in this case, the Recommendation is approved and adopted in its entirety as this Court's findings in all respects.

Additionally, Wolfe has filed a motion for an *ex parte* temporary restraining order. Document #19. Wolfe has not demonstrated that he will suffer immediate and irreparable injury before the defendants have an opportunity to be heard on his request for preliminary relief. *See* Fed. R. Civ. P. 65(b)(1). Thus, Wolfe's motion is more properly characterized as a motion for a preliminary injunction, and will be treated as such.

IT IS THEREFORE ORDERED that:

1. Wolfe may proceed with his inadequate medical care claims against Carter, Roy, May Sr., May Jr., Barefield, Braden, and Keener in their individual capacities only.

2. The Clerk is directed to prepare a summons for Carter, Roy, May Sr., May Jr., Barefield, Braden, and Keener. The U.S. Marshal is directed to serve the summons, complaint, amended complaint, second amended complaint, motion for a preliminary injunction, brief in support, memorandum of law, and this Order on them without prepayment of fees and costs or security therefor. If any of the defendants are no longer Yell County employees, the county must

file a **sealed** statement providing the unserved defendant's last known private mailing address.

3. Defendants must file, with their answer or other responsive pleading, a response to Wolfe's motion for a preliminary injunction.

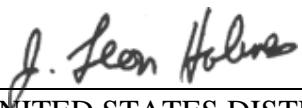
4. The official capacity claims against Carter, Roy, May Sr., May Jr., Barefield, Braden, and Keener are dismissed without prejudice.

5. All claims against Gilkey, Gault, Elkins, and Moore are dismissed, without prejudice.

6. All claims against the Yell County Detention Facility are dismissed with prejudice.

7. It is certified, 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 12th day of January, 2017.



UNITED STATES DISTRICT JUDGE