

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

JUAN C. MONTALBA,
ADC #161935

PLAINTIFF

V.

4:17CV00301 JM/JTR

DRUMMOND, DR.
East Arkansas Regional Unit, ADC, et al.

DEFENDANTS

ORDER


The Court has reviewed the Recommendation 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 Recommendation is approved and adopted in its entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED that:

1. Montalba may PROCEED with his § 1983 excessive force claim against Johnson, William, Alexander, and Does in their individual capacities only.
2. The Clerk is directed to prepare a summons for Johnson, William, and Alexander at the PCDF. The U.S. Marshal is directed to serve the summons, complaint, amended complaint, and this Order on them without prepayment of fees and costs or security therefore. If any of the defendants are no longer Pulaski County employees, the individual responding to service must file a **sealed** statement providing the unserved defendant's last known private mailing address.
3. Montalba's official capacity claims against Johnson, William, Alexander and Does are DISMISSED WITHOUT PREJUDICE.
4. Montalba's inadequate medical care claim against Nelson, Drummond, and Griffin, in both their individual and official capacities, are DISMISSED WITHOUT PREJUDICE.

5. 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 22nd day of September, 2017.



UNITED STATES DISTRICT JUDGE