

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

**RICHARD FOSTER,  
ADC #168964**

**PLAINTIFF**

**V.**

**4:17CV00748 JM/JTR**

**GARY ANDREWS, Lieutenant,  
Faulkner County Jail, et al..**

**DEFENDANTS**

**ORDER**

The Court has reviewed the Recommendation submitted by United States Magistrate Judge J. Thomas Ray. No objections have been filed. After careful review, the Recommendation is approved and adopted in its entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED that:

1. Foster may PROCEED with his § 1983 claim that Andrews, Page, Riedmueller, and Ryals subjected him to inhumane conditions of confinement by forcing him to sleep on a filthy floor and failing to remove black mold from the ceiling and walls.

2. All other claims against Andrews, Page, Riedmueller, and Ryals are DISMISSED, WITHOUT PREJUDICE.

3. Randell is DISMISSED, WITHOUT PREJUDICE, as a defendant in this lawsuit.

4. 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.

5. The Clerk is directed to prepare a summons for Andrews, Page, Riedmueller, and Ryals at the Faulkner County Detention Center. The U.S. Marshal is directed to serve the summons, substituted complaint, and this Order on them without prepayment of fees and costs or security therefor. If any of the defendants are no longer Faulkner County employees, the

individual responding to service must file a **sealed** statement providing the unserved defendant's last known private mailing address.

Dated this 9<sup>th</sup> day of April, 2018.

  
UNITED STATES DISTRICT JUDGE