

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**CURTIS PITMAN
ADC # 119869**

PLAINTIFF

V. 5:08CV00198 BSM/HDY

EDWARD ENGSTROM, Doctor, Maximum Security Unit, Arkansas Department of Correction; FRAZIER, Lt., Maximum Security Unit, Arkansas Department of Correction; BAKER, Captain, Maximum Security Unit, Arkansas Department of Correction; THOMAS, Sgt., Maximum Security Unit, Arkansas Department of Correction; and A. BURTON, CO-II, Maximum Security Unit, Arkansas Department of Correction; LARRY NORRIS, Director, Arkansas Department of Correction; LARRY MAY, Deputy Director, Arkansas Department of Correction; WENDY KELLEY, Deputy Director, Arkansas Department of Correction; JAMES GIBSON, Disciplinary Hearing Administrator, Arkansas Department of Correction; JUSTIN MINOR, Disciplinary Hearing Officer, Arkansas Department of Correction; LORIE TAYLOR, Disciplinary Hearing Officer, Arkansas Department of Correction; KEITH WADDLE, Disciplinary Hearing Officer, Arkansas Department of Correction; CHRIS COODY, Disciplinary Hearing Officer, Arkansas Department of Correction; DAVID WHITE, Warden, Maximum Security Unit, Arkansas Department of Correction; RANDALL MANUS, Deputy Warden, Maximum Security Unit, Arkansas Department of Correction; JEROME T. ADAMS, Major, Maximum Security Unit, Arkansas Department of Correction; JACKIE DAVIS, Captain, Maximum Security Unit, Arkansas Department of Correction; RONALD BAILEY, Lt., Maximum Security Unit, Arkansas Department of Correction; BROOKS, Lt., Maximum Security Unit, Arkansas Department of Correction; LINDA ERWIN, Grievance Officer, Maximum Security Unit, Arkansas Department of Correction; PAMELA CONNER, Grievance Officer, Maximum Security Unit, Arkansas Department of Correction; MONICA CLOIRD, CO-II, Maximum

Security Unit, Arkansas Department of Correction; VANITA KING, Classification Officer, Maximum Security Unit, Arkansas Department of Correction; and FAITH WILLOUGHBY, Mental Health Counselor, Maximum Security Unit, Arkansas Department of Correction

DEFENDANTS

ORDER

The court has reviewed the proposed findings and recommended partial disposition (Doc. No. 22) submitted by United States Magistrate Judge H. David Young and plaintiff's objections. After carefully considering plaintiff's objections and making a *de novo* review of the record in this case, 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 Pitman's motion to amend (Doc. No. 19) is GRANTED and the Clerk of the Court is directed to add the name of Aquita Jones to the docket as a defendant in this matter;
2. Defendants Norris, May, Kelley, Gibson, Minor, Taylor, Waddle, Coody, White, Manus, Adams, Davis, Bailey, Brooks, Erwin, Conner, Cloird, King, and Willoughby are DISMISSED from this action;
3. Plaintiff Pitman's claims related to his disciplinary convictions are DISMISSED pursuant to *Heck* and *Balisok*, as discussed in the proposed findings and recommended partial disposition;

4. Plaintiff Pitman's motion for injunctive relief (Doc. No. 6) is DENIED without prejudice;

5. The motion of plaintiffs Pitman and Smith for "Recognition of Power of Attorney Form" (Doc. No. 13) is DENIED;

6. The motion of Patrick Sherman for leave to intervene (Doc. Nos. 16 & 17) is DENIED;

7. Plaintiff Pitman is directed to file, within thirty (30) days of the date of this order, an amended complaint containing the information specified in Section A of the proposed findings and recommended partial disposition, including any medical evidence that he possesses of a medical professional's diagnosis of a sexual addiction disorder to support his claim of deliberate indifference. Failure to do so may result in the dismissal of the claim without prejudice;

8. Plaintiff Pitman will be allowed to proceed with his claims of excessive force against defendants Baker, Frazier, Thomas, Burton, and Jones, and his motions for service (Doc. Nos. 5 & 18) are GRANTED. The Clerk of the Court is directed to prepare summonses for these defendants, and the United States Marshal is directed to serve a copy of plaintiff Pitman's complaint (Doc. No. 2), amended complaint (Doc. No. 19), this order, the proposed findings and recommended partial disposition (Doc. No. 22), and summons on defendants Baker, Frazier, Thomas, Burton, and Jones, without prepayment of fees and costs or security therefore.

9. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from any order adopting these recommendations would not be taken in good faith.

DATED this 3rd day of November, 2008.

A handwritten signature in cursive script, reading "Brian S. Miller".

UNITED STATES DISTRICT JUDGE