

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

ERIC WINSTON
ADC #105483

PLAINTIFF

V.

NO: 5:08CV00204 JMM/HDY

FRED EVANS *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Partial Recommended Disposition submitted by United States Magistrate Judge H. David Young. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Partial Recommended Disposition should be, and hereby are, approved and adopted. The Court clarifies the disposition to state that the action is dismissed only as to Defendant Fred Evans, the remaining claims and parties remain.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's claims against Defendant Fred Evans are DISMISSED WITHOUT PREJUDICE, and Evans's name is removed as a party Defendant.
2. The Court certifies that an *in forma pauperis* appeal taken from this order is considered frivolous and not in good faith

DATED this 13th day of January, 2009.


UNITED STATES DISTRICT JUDGE