

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

EDWARD CHARLES DUNMORE
ADC #143129

PLAINTIFF

V.

5:08CV00255 BSM/JTR

BRENT COLE, Lieutenant,
Sheridan Detention Center; and
GENTRY DEPRIEST, Officer,
Sheridan Detention Center

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge J. Thomas Ray. No objections have been filed. After careful review, 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. Defendants' Motion to Dismiss (docket entry #17) is GRANTED IN PART and DENIED IN PART, such that Plaintiff's official capacity claims against Defendants Cole and DePriest are DISMISSED, WITHOUT PREJUDICE, and that Plaintiff shall PROCEED with his individual capacity claims against those two Defendants.

2. Pursuant to Fed. R. Civ. P. 12(a)(4), Defendants shall file an Answer **within ten days of the entry of this Order.**

3. The Court CERTIFIES, 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.

4. The Clerk is directed to amend the docket sheet to reflect that Defendant Cole is a Police Officer with the City of Sheridan Police Department and Defendant DePriest is a Detention Officer with the City of Sheridan Detention Center.

5. The Clerk is directed to add John Doe Defendants.

6. Plaintiff shall file, **within sixty days of this Order**, a Motion for Service containing the full names of and service addresses for the John Doe Defendants.

7. Plaintiff is advised that if he fails to timely and properly do so, the John Doe Defendants and his inadequate medical care claim will be dismissed from this action, without prejudice.

Dated this 3rd day of March, 2009.


UNITED STATES DISTRICT JUDGE