

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

KENNETH EUGENE JACKSON
ADC #134048

PLAINTIFF

V.

NO: 5:08CV00261 BSM/HDY

JOHN E. PORTER *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 in their entirety as this court's findings in all respects.

IT IS THEREFORE ORDERED THAT:

1. The motion to dismiss filed by Defendant Shelly Byers (docket entry #23) is GRANTED, plaintiff's claims against Byers are DISMISSED, and her name is removed as a party defendant.
2. The court certifies that an *in forma pauperis* appeal taken from the order dismissing defendant Byers is considered frivolous and not in good faith.

DATED this 2nd day of March, 2009.


UNITED STATES DISTRICT JUDGE