

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

**JOHN L. FLETCHER
ADC #135935**

PLAINTIFF

V.

5:09CV00007 BSM/JTR

ARKANSAS DEPARTMENT OF CORRECTION; et al.

DEFENDANTS

ORDER

The court has reviewed the proposed findings and recommended partial disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objection. After carefully considering these documents 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. Pursuant to the screening function mandated by 28 U.S.C. § 1915A: (a) Defendants UAMS and ADC are DISMISSED, WITH PREJUDICE, because they are not entities that are amenable to suit under § 1983; (b) Defendant CMS is DISMISSED, WITHOUT PREJUDICE, because plaintiff has failed to state a viable § 1983 claim against it; and (c) Plaintiff shall PROCEED with his claims against defendants Dr. Greunwald, Dr. Scott, and Dr. Antosh.

2. 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

3. The Clerk is directed to prepare a summons for defendant Dr. Greunwald, and the United States Marshal is directed to serve the summons, complaint, amended complaint, second amended complaint, recommended partial disposition, and this order upon him without prepayment of fees and costs or security therefor.¹

4. The Clerk is directed to prepare a summons for defendants Dr. Scott and Dr. Antosh, and the United States Marshal is directed to serve the summons, complaint, amended complaint, second amended complaint, recommended partial disposition, and this order upon them through the Humphries and Lewis law firm, without prepayment of fees and costs or security therefor.²

Dated this 3rd day of March, 2009.


UNITED STATES DISTRICT JUDGE

¹ If Defendant Dr. Greunwald is no longer a UAMS employee, the person responding to service shall file, with the return of unexecuted service, a **SEALED** Statement providing his last known private mailing address.

² If either Defendant Scott or Antosh is no longer a CMS employee, the Humphries and Lewis law firm shall file, with the return of unexecuted service, a **SEALED** Statement providing the last known private mailing address for the unserved Defendant.