

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

**BILLY THORNTON, JR.
ADC #89174**

PLAINTIFF

V.

5:09CV00110 BSM/JTR

**GREG HARMON, Warden,
East Arkansas Regional Unit, ADC**

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 objections. 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 Fed. R. Civ. P. 4(m), defendant Kendra Mayo is DISMISSED, WITHOUT PREJUDICE, due to a lack of service.
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.

Dated this 16th day of December, 2009.



UNITED STATES DISTRICT JUDGE