

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

BILLY THORNTON, JR.
ADC #89714

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 the screening function mandated by 28 U.S.C. § 1915A: (a) Plaintiff shall PROCEED with his due process claim regarding his transfer to the VSM; and (b) his remaining due process claims are DISMISSED, WITHOUT PREJUDICE, for failing to state a claim upon which relief may be granted.
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 Defendants Harmon, Hobbs, Gibson, Clay, and Mayo, and the United States Marshal is directed to serve the summons, the Complaint, the Partial Recommended Disposition, and this Order upon them without prepayment of fees and costs or security therefor.¹

Dated this 26th day of May, 2009.


UNITED STATES DISTRICT JUDGE

¹ If any of the Defendants are longer ADC employees, the person responding to service shall file, with the return of unexecuted service, a **SEALED** Statement providing the unserved Defendant's last known private mailing address.

