

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

**CALVIN LEE MARSHALL
ADC #90207**

PLAINTIFF

V.

CASE NO. 5:09CV00128 BSM-JJV

**ANTHONY BURDEN, Sgt.,
Varner SuperMax, ADC; et al.**

DEFENDANTS

ORDER

The court has received the partial recommended disposition from Magistrate Judge Joe J. Volpe. After carefully reviewing the partial recommended disposition, objections, and reviewing the record *de novo*, it is concluded that the partial recommended disposition should be, and hereby is, approved and adopted in all respects in its entirety.

Defendants' motion to dismiss (Doc. No. 11) is GRANTED IN PART, and DENIED IN PART. Plaintiff may proceed with his claims of the use of excessive force against defendants Burden and Page, and denial of medical treatment by the unknown Doe defendants, and the remainder of the plaintiff's claims are DISMISSED with prejudice for failure to state a claim.

IT IS SO ORDERED this 22nd day of February, 2010.


UNITED STATES DISTRICT JUDGE