

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

JOHN CALDWELL
ADC #90188

PLAINTIFF

V.

5:09CV00129 JMM/JTR

GRANT HARRIS, Warden,
Varner Super Max Unit; and
CORRECTIONAL MEDICAL SERVICES

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge J. Thomas Ray. No objections have been filed. After careful review, 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. Separate Defendant Harris's Motion for Summary Judgment and Amended Motion for Summary Judgment (docket entries #97 and #103) are GRANTED, and he is DISMISSED, WITHOUT PREJUDICE, from this action.

2. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from any Order adopting this Recommended Partial Disposition would not be taken in good faith.

Dated this 29th day of November, 2010.


UNITED STATES DISTRICT JUDGE