

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

EDDIE BRILEY, JR.

PLAINTIFF

V.

5:09CV00220 BSM/JTR

**RONNIE COLE, Chief Deputy,
W.C. Dub Brassell Detention Center, et al.**

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. Pursuant to the screening function mandated by 28 U.S.C. § 1915A: (a) Plaintiff's due process challenge to his disciplinary conviction is DISMISSED, WITH PREJUDICE, for failing to state a claim upon which relief may be granted; and (b) Plaintiff shall PROCEED with his remaining claims against defendants.

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, and the United States Marshal is directed to serve the summons, the complaint, and this order on those defendants without prepayment of fees and costs or security therefor.¹

Dated this 18th day of December, 2009.


UNITED STATES DISTRICT JUDGE

¹If any of the Defendants are no longer Brassell Detention Center employees, the individual responding to service shall file, with the return of unexecuted service, a **SEALED** Statement providing the last known private mailing address for the unserved Defendant.