

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

CARL LEE TATE, JR.

PLAINTIFF

V.

5:09CV00284 WRW/JTR

JEFFERSON COUNTY, 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) Defendant Brassell Detention Center is DISMISSED, WITH PREJUDICE, because it is not amenable to suit in a § 1983 action; (b) Defendant Jefferson County is DISMISSED, WITHOUT PREJUDICE, because Plaintiff has failed to state a viable claim against it; and (c) Plaintiff shall PROCEED with his inadequate medical care claims against Defendant Randle and the John Doe 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 Defendant Nurse Randle, and the United States Marshal is directed to serve the summons, Complaint (docket entry #2), and this Order on her without prepayment of fees and costs or security therefor.¹

4. Plaintiff shall file, **within 120 days of this Order**, a Motion for Service containing the full names of and valid service addresses for the John Doe Defendants.

5. Plaintiff is advised that, if he fails to timely and properly do so, the John Doe Defendants will be dismissed, without prejudice, pursuant to Fed. R. Civ. P. 4(m).

Dated this 13th day of October, 2009.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹If Nurse Randle is no longer a Brassell Detention Center employee, the individual responding to service shall file, with the return of unexecuted service, a **SEALED** Statement providing her last known private mailing address.