

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

EDGAR L. GUNTHER
ADC #100017

PLAINTIFF

V.

5:10CV00139 JMM/JTR

JAMES BANKS,
Former Warden, Tucker Unit, 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. Defendant Banks' Motion to Dismiss (docket entry #36) is DENIED.
2. Pursuant to Fed. R. Civ. P. 12(a)(4)(A), Defendant Banks shall file an Answer within fourteen days of the entry of this Order.

Dated this 1st day of October, 2010.


UNITED STATES DISTRICT JUDGE