

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

GREGORY DAVIS
ADC #97816

PLAINTIFF

V. 5:10CV00271 SWW/JTR

DOES, Five Unknown Officers
at the Tucker Maximum Security Unit; and
JOHN GLASSCOCK, Lieutenant,
Arkansas Department of Correction

DEFENDANTS

ORDER OF PARTIAL DISMISSAL

Plaintiff, Gregory Davis, is a prisoner in the East Arkansas Regional Unit. On August 31, 2010, he filed a *pro se* § 1983 Complaint alleging that Defendant John Glasscock and five John Doe Defendants used excessive force against him while he was a prisoner in the Maximum Security Unit. *See* docket entry #2.

On November 22, 2010, the Court entered an Order giving Plaintiff 120 days to file a Motion for Service providing the names of and addresses for the John Doe Defendants. *See* docket entry #10. Importantly, the Court advised Plaintiff that if he failed to timely and properly do so, the John Doe Defendants would be dismissed, without prejudice, pursuant to Fed. R. Civ. P. 4(m). *Id.*

Thereafter, the Court granted Plaintiff an extension, until September 8, 2011,

to file his Motion for Service. *See* docket entry #47.

As of the date of this Order of Partial Dismissal, Plaintiff has failed to file his Motion for Service, and the time for doing so has expired.

IT IS THEREFORE ORDERED THAT:

1. Pursuant to Fed. R. Civ. P. 4(m), the five John Doe Defendants are DISMISSED, WITHOUT PREJUDICE, due to a lack of service.

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

Dated this 19th day of September, 2011.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE