

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

TERRANCE PROCTOR  
ADC #87410

PLAINTIFF

V.

NO: 5:10CV00318 JMM/HDY

RANDALL E. MANUS *et al.*

DEFENDANTS

**ORDER**

On April 11, 2011, Plaintiff Terrance Proctor filed what has been docketed as a motion to dismiss, in which he also seeks the return of his filing fee (docket entry #16), and a motion seeking that the case be reassigned to another judge due to a potential conflict of interest (docket entry #17). It appears that Plaintiff's desire to dismiss his complaint is conditioned upon the return of his filing fee, which has already been paid and cannot be refunded. If Plaintiff wishes to dismiss his case in the absence of a refund, he may renew his motion. Additionally, Plaintiff has offered no reason to suggest that his complaint should be reassigned. Accordingly, both motions will be denied.

Construing Plaintiff's complaint liberally, the Court concludes that, for screening purposes, Plaintiff states a cognizable claim for relief under 42 U.S.C. § 1983 against Defendants, and will therefore order service on them.

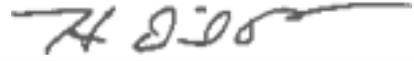
IT IS THEREFORE ORDERED THAT:

1. Plaintiff's motion to dismiss and for reassignment (docket entries #16 & #17) are DENIED.

2. Service is appropriate on Defendants. The Clerk of the Court is directed to prepare a summons for Defendants, and the United States Marshal is directed to serve a copy of the complaint (docket entry #1), this order, and summons, upon them, without prepayment of fees and

costs or security therefor.

IT IS SO ORDERED this 19 day of April, 2011.



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UNITED STATES MAGISTRATE JUDGE