

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

JEVON L. STIGGER
ADC # 601232

PLAINTIFF

V.

CASE NO. 5:11CV00004 JLH/BD

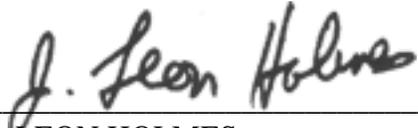
ALLEN CHEEKS, *et al.*

DEFENDANTS

ORDER

On January 18, 2011, United States Magistrate Judge Beth Deere entered a Partial Recommended Disposition in which she recommended that the Court dismiss the plaintiff's claims against Allen Cheeks without prejudice because the complaint failed to state a claim against Cheeks. On February 1, 2011, the plaintiff filed an amended complaint in which he alleged his claims against Cheeks with greater specificity. Because the Partial Recommended Disposition was entered prior to the filing of the amended complaint, it obviously did not address the issue of whether the amended complaint states a claim against Cheeks. Therefore, the Court declines to accept the Partial Recommended Disposition (Document #3). If Magistrate Judge Deere believes that the amended complaint fails to state a claim against Cheeks, she may, of course, issue another Partial Recommended Disposition recommending that the amended complaint against Cheeks be dismissed, and if she does so, the plaintiff will have an opportunity to respond to the Partial Recommended Disposition based upon the allegations in the amended complaint.

IT IS SO ORDERED this 7th day of February, 2011.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE