

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

THEODORE A. ANDERSON,
ADC #138956

PLAINTIFF

V.

5:11CV00100 SWW/JTR

CONNIE HUBBARD, LPN,
Correctional Medical Services, Inc., et al.

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections. After carefully considering these documents and making a *de novo* review of the record in this case, 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 ADC is **DISMISSED, WITH PREJUDICE**, because it is not amenable to suit in a § 1983 action.
2. Defendant CMS is **DISMISSED, WITHOUT PREJUDICE**, because Plaintiff has failed to state a viable claim against it.

3. 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.

4. Plaintiff shall PROCEED with this inadequate medical care claims against the remaining Defendants.

5. The Clerk is directed to prepare a summons for Defendants Hubbard, Lytle, Barnes, Norris, Gordon, and Snyder. The U.S. Marshal is directed to serve the summons, Complaint, Amended Complaint, and this Order on them through the Humphries and Lewis law firm, without prepayment of fees and costs or security therefor.¹

Dated this 24th day of June, 2011.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

¹ If any of the Defendants are no longer CMS employees, the Humphries and Lewis law firm shall file, with the return of unexecuted service, a **SEALED** Statement providing the last known private mailing address for the unserved Defendant.