

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

BYRON L. CONWAY,
ADC #113285

PLAINTIFF

V.

5:11CV00142 JMM/JTR

RAY HOBBS, Director,
Arkansas Department of Correction, 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. Plaintiff's constitutional claims against Defendants CMS, Norris, and Hobbs are DISMISSED, WITHOUT PREJUDICE, for failing to state a claim upon which relief may be granted.

2. The Court DECLINES to exercise supplemental jurisdiction over the pendent state law claims Plaintiff has raised against Defendants CMS, Norris, and

Hobbs, and those claims are DISMISSED, WITHOUT PREJUDICE.

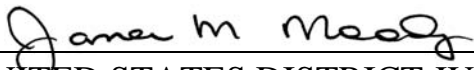
3. Plaintiff's request for monetary damages against Defendant Kelley, in her official capacities only, is DISMISSED, WITH PREJUDICE.

4. Plaintiff shall PROCEED with his inadequate medical care claim against Defendant Kelley in her official capacity for injunctive and declaratory relief, and in her individual capacity for monetary damages.

5. 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.

6. The Clerk is directed to prepare a summons for Defendant Kelley and the U.S. Marshal is directed to serve the summons, Complaint, and this Order on her through the ADC Compliance Division without prepayment of fees and costs or security therefor.

Dated this 26 day of July, 2011.


UNITED STATES DISTRICT JUDGE