

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

JEROME ALLEN BARGO,  
ADC #75423

PLAINTIFF

V.

5:12CV00127 JMM/JTR

WENDY KELLEY, Assistant 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 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. Pursuant to the screening function mandated by 28 U.S.C. § 1915A, Plaintiff may PROCEED with his April 2011, content-based freedom of speech claim against Defendants Tyler, May, and Banks.
2. All other claims and Defendants are DISMISSED, WITHOUT PREJUDICE, for failing to state a claim upon which relief may be granted.

3. The Clerk is directed to prepare a summons for Defendants Tyler, May, and Banks, and the U.S. Marshal is directed to serve the summons, Substituted Complaint, and this Order on them without prepayment of fees and costs or security therefor.<sup>1</sup>

4. 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.

Dated this 15th day of August, 2012.

  
UNITED STATES DISTRICT JUDGE

---

<sup>1</sup> If any of the Defendants are no longer ADC employees, the individual responding to service must file the unserved Defendant's last known private mailing address **under seal**.