

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

LANCE MITCHELL OWENS,  
ADC #610855, et al.

PLAINTIFFS

V.

5:12CV00159 SWW/JTR

ARTIS 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 and the filed objections. After carefully considering these documents and making a *de novo* review of the relevant portion of the record, see 28 U.S.C. § 636(b)(1)(C), 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 Owens may PROCEED with his First Amendment and Fourteenth Amendment procedural due process claims against Defendants Gooley, Outlaw, Straughn, Erwin, Conner, and Does.

2. All other Plaintiffs, claims, and Defendants are DISMISSED, WITHOUT PREJUDICE.

3. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal would not be taken in good faith.

4. The Clerk is directed to prepare a summons for Defendants Gooley, Outlaw, Straughn, Erwin, and Conner, and the U.S. Marshal is directed to serve the summons, Complaint, and this Order on them through the ADC Compliance Division without prepayment of fees and costs or security therefor.<sup>1</sup>

5. Plaintiff must, **within ninety days of the entry of this Order**, file a Motion for Service containing the full names of and service addresses for the Doe Defendants.

6. Plaintiff is advised that if he fails to timely and properly do so, the Doe Defendants will be dismissed from this action, without prejudice, due to a lack of service pursuant to Fed. R. Civ. P. 4(m).<sup>2</sup>

---

<sup>1</sup>If any of the Defendants are no longer ADC employees, the ADC Compliance Office shall file, with the return of unexecuted service, a **SEALED** Statement providing the last known private mailing address for the unserved Defendant.

<sup>2</sup> In their objections, separate plaintiffs state, among other things, that they did not receive document entries No. 3 and 4 and that “we have no knowledge of its content or relevance. Again denied participation.” The Court informs separate plaintiffs that document entry No. 3 is a notice of change of address from separate plaintiff Lance Mitchell Owens and that document entry No. 4 is a certificate of mailing by the Clerk regarding a notice of docket correction stating that the docket text was modified to correct the filing fee amount to \$350.00. These document entries have no relevance to the Magistrate Judge’s Proposed Findings and Recommended Partial Disposition or to separate Plaintiff’s objections.

Dated this 14<sup>th</sup> day of June 2012.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE