

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

**RICHARD PERCEFULL
ADC # 148005**

PLAINTIFF

v.

No. 5:12-cv-171-DPM-JTR

VERNON ROBERTSON ET AL.

DEFENDANT

ORDER

The Court has considered Magistrate Judge J. Thomas Ray's proposed findings and recommended partial disposition, *Document No. 10*, and Percefull's objections, *Document No. 15*. On *de novo* review, the Court adopts the substance of Judge Ray's proposal as its decision, with one modification: based on the new allegations in the objections, Percefull may proceed with his inadequate-medical-care claim against Defendant Robertson, as well as Defendant Tate. All other claims are dismissed without prejudice.

The Clerk is directed to prepare a summons for Defendants Tate and Robertson; and the United States Marshal is directed to serve the summons, substituted complaint, and this Order on them through the ADC Compliance Division without prepayment of fees and costs or security. The Court certifies that an *in forma pauperis* appeal from this Order would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

16 August 2012