

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

MICHAEL BENJAMIN, ADC #139727

PLAINTIFF

v.

No. 5:12CV00237 JLH/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 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:

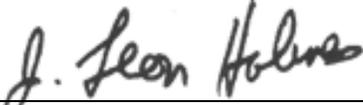
1. The Clerk is directed to add Sergeant Brinker and Sergeant Ruth as defendants.
2. Plaintiff may PROCEED with his excessive force claims against defendants Williams, Shipman, Brinker, and Ruth.
3. All other claims and defendants are DISMISSED, WITHOUT PREJUDICE.
4. Plaintiff's motion for a preliminary injunction (docket entry #3) is DENIED.
5. The Clerk is directed to prepare a summons for defendants Williams, Shipman, Brinker, and Ruth. The United States 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>

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

6. 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 11th day of September, 2012.

  
UNITED STATES DISTRICT JUDGE