

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

**ANDRE D. McEWING,
ADC #116327**

PLAINTIFF

v.

5:12-cv-298-DPM-JJV

**SHORES, Lieutenant, Varner Unit, ADC;
HUCHERSON, Sergeant, Varner Unit,
ADC; COCKRELL, Sergeant, Varner Unit,
ADC; HAYES, Sergeant, Varner Unit,
ADC; J. BYERS, Major, Varner Unit,
ADC; JAMES PLUMMER, Sergeant,
Varner Unit, ADC; J. PRICE, Property
Officer, Varner Unit, ADC; NEWTON, Nurse,
Varner Unit, ADC; M. ROWE, Nurse,
Varner Unit, ADC; F. WASHINGTON,
Sergeant, Varner Unit, ADC; T. SPENCER,
Sergeant, Varner Unit, ADC; M.L. DRAYER,
Administrative Disciplinary Judge, ADC;
J. BANKS, Unit Warden, Varner Unit, ADC;
ABLES; BENNY MOORE, CO II, Varner Unit,
ADC; ALLEN, CO II, Varner Unit, ADC;
DERRICK JONES, CO II, Varner Unit, ADC;
STEPHEN POE, Sergeant; P. GOOLEY,
Sergeant, Varner Unit, ADC; STEVENS,
Captain, Varner Unit, ADC; JOHNSON,
Lieutenant, Varner Unit, ADC; S. BYERS,
Nurse, Varner Unit, ADC; and JOHN DOES**

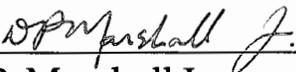
DEFENDANTS

ORDER

Unopposed recommendation, *No* 97, adopted. FED. R. CIV. P. 72(b) (Advisory Committee notes to 1983 Addition). McEwing's claims against Rowe are dismissed without prejudice. Opposed recommendation, *No* 98 & 107, declined on *de novo* review. FED. R. CIV. P. 72(b)(3). On the same day the recommendation was filed, McEwing finally stated a claim against Nurse Ables with specificity. *No* 99. Ables should be added as a defendant and served.

The pleadings are closed. McEwing has been allowed to amend or supplement his complaint at least five times. This case has more than one hundred docket entries and more than twenty defendants. The interests of justice favor getting to the merits now rather than allowing any more amendments. FED. R. CIV. P. 15(a).

So Ordered.



D.P. Marshall Jr.
United States District Judge

19 September 2013