

**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; 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;
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; JOHN DOES;
and GENE CAROL ABLES, Nurse,
Varner Unit, ADC**

DEFENDANTS

ORDER

Opposed recommendation, *No 130*, adopted as modified. FED. R. CIV. P. 72(b)(3). McEwing has provided current addresses for Allen and for Poe, who has now been served. *No 137*. Poe therefore remains in the case. For good cause, the Court approves his belated service. FED. R. CIV. P. 4(m). Allen remains in the case, too, because, given the specificity of the allegations involving him, *No 60 at 20*, his identity can be pinned down. *Munz v. Parr*, 758 F.2d 1254, 1257 (8th Cir. 1985). McEwing, moreover, has pleaded Allen's last name, but not his first. The Court directs counsel for the Arkansas Attorney General to provide Allen's first name by 20 February 2014. The same belated service will exist on Allen. For good cause, the window for serving him is reopened until 20 March 2014. FED. R. CIV. P. 4(m). All McEwing's claims against all the John Does are dismissed by agreement without prejudice. McEwing's request for a hearing, *No 135 at 4*, is denied.

So Ordered.



D.P. Marshall Jr.
United States District Judge



13 February 2014