

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

**WESLEY ELISHA GRISSOM,
ADC #110265**

PLAINTIFF

V.

5:13CV00024 KGB/JTR

**LATRICIA WHITE, Kitchen Supervisor,
Delta Regional Unit, et al.**

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge J. Thomas Ray (Dkt. No. 5). No objections have been filed. After careful review, 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 may proceed with his excessive force, inadequate medical care, and assault and battery claims against defendants White, Howell, Gibson, and McClain.
2. Plaintiff's negligence claim is dismissed with prejudice because defendants are entitled to statutory immunity.
3. The Clerk of Court is directed to prepare a summons for defendants White, Howell, and Gibson. 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.¹

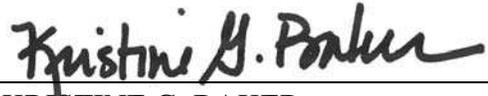
¹ If any of the defendants are no longer ADC employees, the ADC Compliance Office must file, with the return of unexecuted service, a **SEALED** statement providing the last known private mailing address for the unserved defendant.

4. The Clerk of Court is directed to prepare a summons for defendant McClain. The U.S. Marshal is directed to serve the summons, complaint, and this Order on her through the Humphries and Lewis law firm without prepayment of fees and costs or security therefor.²

5. 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.

6. Plaintiff's motion for service is moot (Dkt. No. 14).

SO ORDERED this the 1st day of April, 2013.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE

² If defendant McClain is no longer a Corizon, Inc., employee, the Humphries and Lewis law firm must file, with the return of unexecuted service, a **SEALED** statement providing her last known private mailing address.