

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

BYRON L. WALLACE,
ADC #107098

PLAINTIFF

v.

No. 5:13CV00068 JLH/JTR

CHARLES WALKER, Correctional Officer,
Cummins Unit, Arkansas Department
of Correction, et al.

DEFENDANTS

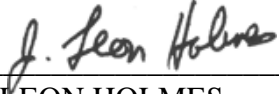
ORDER

The Court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge J. Thomas Ray and the plaintiff's objections. After carefully considering the objections and making a *de novo* review of the record, 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. Defendants' Motion for Summary Judgment be GRANTED in part and DENIED in part. Document #59.
2. Plaintiff's excessive force, equal protection, cruel and unusual punishment, and official capacity claims for monetary damages be DISMISSED with prejudice.
3. Plaintiff's claims for failure to protect against defendants Rayner and Walker be allowed to proceed. The defendants' request for an extension of the dispositive motion deadline must be presented to Judge Ray.
4. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal would not be taken in good faith.

DATED this 15th day of October, 2014.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE