

**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

MARK WARNER,  
Deputy Assistant Warden,  
Cummins Unit, ADC, 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:

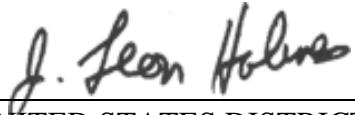
1. Plaintiff may proceed with his failure to protect, equal protection, excessive force, and cruel and unusual punishment claims against defendants Warner, Walker, May, Lay, Rayner, Hobbs, and Tate.
2. All other claims and defendants are DISMISSED WITHOUT PREJUDICE.
3. The Clerk is directed to prepare a summons for defendants Warner, Walker, May, Lay, Rayner, Hobbs, and Tate. 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.<sup>1</sup>

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<sup>1</sup> If any of the defendants are no longer ADC employees, the individual responding to service must file the unserved defendant's last known private mailing address **under seal**.

4. 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 29th day of April, 2013.

  
UNITED STATES DISTRICT JUDGE