

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

BERRY MORROW,
ADC #143825

PLAINTIFF

V.

5:13CV00098 SWW/JTR

DAVID KELLEY, Lieutenant,
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 those portions of the record to which plaintiff objects, see 28 U.S.C. § 636(b)(1)(C), 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 excessive force, failure to protect, retaliation, free exercise of religion, and corrective inaction claims against Defendants.
2. Plaintiff's property and access to the courts claims are DISMISSED, WITHOUT PREJUDICE, for failing to state a claim upon which relief may be granted.

3. The Clerk is directed to prepare a summons for Defendants Kelley, Boykin, Reed, Holsted, Ashcroft, Carter, Burgees, Raeford, Lay, and May. 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

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 22nd day of April 2013.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

¹ 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**.