

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

VERNON K. CAPSHAW
ADC #144481

PLAINTIFF

v.

No. 5:16-cv-121-DPM-JJV

J. STIEVE, Doctor, *et al.*

DEFENDANTS

ORDER

The Court construes Capshaw's motion to amend, *No. 8*, as an objection to the recommendation, *No. 5*. On *de novo* review, the Court sustains the objection and adopts the recommendation as modified. FED. R. CIV. P. 72(b)(3).

Capshaw may proceed with his claims against Dr. Stieve. And because it's unclear whether the Advanced Practice Nurses could restart Capshaw's Tramadol, his claims against Griswold, Bland, and Capps should proceed past screening too. *Compare No. 2 at 8 with No. 2 at 38*. His claims against all other Defendants are dismissed without prejudice. An *in forma pauperis* appeal from this Order would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

3 June 2010