

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

**HAROLD DAVEY CASSELL  
ADC #73855**

**PLAINTIFF**

**VS.**

**5:16-CV-00122 BRW/JTR**

**STATE OF ARKANSAS, et al.**

**DEFENDANTS**

**ORDER**

I have reviewed the Recommendation 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, I approve and adopt the Recommendation as set out below:

Plaintiff can proceed with his inadequate medical care claims against Stieve, Griswold, Bland, Peyton, Griffin, and CCS. The Clerk is directed to prepare a summons for Stieve, Griswold, Peyton, and CCS through the Humphries, Odum, & Eubanks law firm. The U.S. Marshal is directed to serve the summons, complaint, and this order on them without prepayment of fees and costs or security.

The Clerk is directed to prepare a summons for Griffin through the ADC Compliance Office. The U.S. Marshal is directed to serve the summons, complaint, and this order on them without prepayment of fees and costs or security.

Plaintiff's claims against Hutchinson, Kelley, and Wilson are dismissed without prejudice.

Plaintiff's claims against the State of Arkansas and the Arkansas Board of Correction are dismissed with prejudice.

Plaintiff's has failed to state a § 1983 claims against Floss, regarding the testimony he gave in *Cassell v. Hobbs*, 5:14CV000403 DPM, and his 2013 gastrointestinal treatment, so the claims are dismissed without prejudice.

It is certified that an *in forma pauperis* appeal would not be taken in good faith.<sup>1</sup>

IT IS SO ORDERED this 13th day of June, 2016.

/s/ Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE

---

<sup>1</sup>28 U.S.C. § 1915(a)(3).