

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

ABRAHAM/RASHEEN GRANT/RAKIM
ADC #128147

PLAINTIFF

v.

No. 5:16-cv-305-DPM-JTK

WENDY KELLEY,
Director, ADC

DEFENDANT

ORDER

1. On *de novo* review, the Court adopts the recommendation, *No* 3, as modified and partly sustains Grant/Rakim's objections, *No* 4. FED. R. CIV. P. 72(b)(3).

2. The Court concludes that Grant/Rakim alleges facts sufficient to clear the imminent danger bar. 28 U.S.C. § 1915(g); *No* 2 & 4. His motion to proceed *in forma pauperis*, *No* 1, is therefore granted. As the Magistrate Judge notes, though, Grant/Rakim's complaint fails to state a claim against Director Kelley. *No* 3 at 4. His claims against her are therefore dismissed without prejudice. If Grant/Rakim wishes to continue with this case, then he must file an amended complaint against an appropriate defendant by

10 February 2017. If he fails to do so, then his case will be dismissed without prejudice. LOCAL RULE 5.5(c)(2).

3. The Court returns this case to the Magistrate Judge for further proceedings. The Magistrate Judge will enter an Order with details about collecting the filing fee; and he will screen any amended complaint.

So Ordered.

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

11 January 2017