

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

KALEEM MOZIAH PHILLIPS,
ADC #160289

PLAINTIFF

V.

5:16CV00346 JM/JTR

BUDNICK, Warden,
Cummins Unit, ADC, et al.

DEFENDANTS

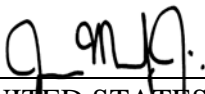
ORDER

The Court has reviewed the Recommendation submitted by United States Magistrate Judge J. Thomas Ray and the response. After carefully considering these documents and making a *de novo* review of the record in this case, the Recommendation is approved and adopted in its entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED that:

1. Phillips may proceed with his excessive force claim against Budnick.
2. The Clerk is directed to prepare a summons for Budnick. The U.S. Marshal is directed to serve the substituted complaint, affidavit, and this Order on him through the ADC Compliance Office without prepayment of fees and costs or security therefor. If Budnick is no longer an ADC employee, the ADC Compliance Office must file a **sealed** statement providing his last known private mailing address.
3. All other claims and defendants are dismissed without prejudice.
4. It is certified, 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 31st day of January, 2017.



UNITED STATES DISTRICT JUDGE