

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

CHALMERS WRAY

PLAINTIFF

v.

Case No. 09-6071

CORRECTIONAL MEDICAL SERVICES, *et al.*

DEFENDANTS

ORDER

Now on this 7th day of December 2009, there comes on for consideration the report and recommendation filed herein on November 16, 2009, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. (Doc. 14). Also before the Court are Plaintiff's written objections (Doc. 17).

The court has reviewed this case *de novo* and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, Plaintiff's claims against Dr. Kharod, the Jones Eye Institute, and Correctional Medical Services are DISMISSED for failure to state a claim upon which relief may be granted. See 28 U.S.C. § 1915(e)(2)(B). Plaintiff's claims against Dr. Blackmon are also DISMISSED, and Plaintiff is instructed to file a separate lawsuit in the Eastern District of Arkansas should he desire to proceed with these claims. Separate Defendants Dr. Kharod, the Jones Eye Institute, Correctional

Medical Services and Dr. Blackmon are DISMISSED as defendants in this matter. By separate order, the complaint will be served on the remaining defendants. Plaintiff's Motion for Continuance and Appointment of Counsel (Doc. 16) is referred to the Honorable James R. Marschewski for disposition or recommendation.

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge