

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION**

DANIEL CINCOSKI,  
ADC # 143538

Plaintiff,

v.

RICHARD, Dr., Grimes Unit, Arkansas  
Department of Correction; *et al.*

Defendants.

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No. 1:09-cv-00038-SWW-JJV

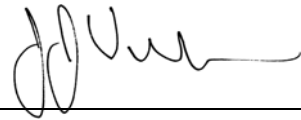
**ORDER**

This case was remanded by the United States Court of Appeals for the Eighth Circuit for further proceedings on four Eighth Amendment claims: 1) Plaintiff was unconstitutionally denied requested psychiatric medications; 2) Plaintiff was subjected to unconstitutional conditions of confinement while on suicide watch; 3) Plaintiff was denied personal hygiene items that led to extreme pain whereby he was denied medication; and 4) Plaintiff was denied access to water in his cell. (Doc. No. 134.)

Because the Court dismissed Plaintiff's cause of action (Doc. No. 120) on October 5, 2011, without considering the Motions for Summary Judgment and Response, pursuant to FED. R. CIV. P. 56(f), the Court is providing notice to the parties that consideration will now be given to those pleadings (Doc Nos. 82, 86, 99), as well as the pending Second Motion for Summary Judgment (Doc. No. 136). The parties may respond to this notice, if they so choose, no later than February 20, 2012.

Dr. Richard also moves to have his Statement of Indisputable Material Facts (Doc. No. 88) deemed admitted because Plaintiff has failed to timely object to them. (Doc. No. 141). For good cause shown, Dr. Richard's Motion (Doc. No 141) on this point is GRANTED.

SO ORDERED this 8th day of February, 2012.

A handwritten signature in black ink, appearing to read 'Joe J. Volpe', written above a horizontal line.

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JOE J. VOLPE  
UNITED STATES MAGISTRATE JUDGE