

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

**TODD BALES and NOE CARDOZA**

**PLAINTIFFS**

**v.**

**No. 1:11-cv-70-DPM-BD**

**FERGUSON, Lieutenant, Independence  
County Jail; CODY HEDLEY, Jailer, Independence  
County Jail; JARRED BRANSCUMB, Jailer,  
Independence County Jail; DOES, Stephanie and  
Donnie, Independence County Jail; SARAH BRENTLY,  
Officer, Independence County Jail; MOORE,  
Officer, Independence County Jail; PICKET, Officer,  
Independence County Jail; LAUREN GARCIA, Officer,  
Independence County Jail; BRITTNEY EAGLEHEART,  
Officer, Independence County Jail; BEEL, Officer,  
Independence County Jail; ANDY BULLINGTON, Officer,  
Independence County Jail; BRITTNEY LAWSON, Officer,  
Independence County Jail; SHAY MOORE, Officer,  
Independence County Jail; ALAN COCKRILL, Chief of Police;  
and DONALD, Officer, Independence County Jail**

**DEFENDANTS**

**ORDER**

Neither Cardoza nor any other party has objected to Magistrate Judge Deere's recommended partial disposition, *Document No. 50*, and the Court sees no legal error or clear error of fact on the face of the record in the proposal. FED. R. CIV. P. 72(b)(3) (1983 addition to advisory committee notes). The Court therefore adopts the proposed decision. Cardoza's loss-of-

property, deliberate indifference, and verbal harassment claims are dismissed without prejudice. The Court joins Judge Deere's condemnation of the offensive remarks, but agrees they are not actionable under current precedent.

All of Bales's recent mail from the Court has been returned, but the copy of Judge Deere's order directing him to amend was not, and the Court therefore concludes he received it. Thus the dismissal as to him is proper. Bales's claims are dismissed without prejudice, and the Clerk is directed to terminate him as a party plaintiff. The Clerk is directed to terminate as party defendants Ferguson, Branscumb, John Doe "Donnie," Moore, Beel, Lawson, and Cockrill.

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

22 March 2012