

APR 02 2014

JAMES W. McCORMACK, CLERK
By: J. O. Moore
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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

MARCUS D. EVANS
ADC #109369

PLAINTIFF

v. No. 2:11-cv-235-DPM

SHANTA HARDY, Officer, East Arkansas
Regional Unit, ADC; AVERY COX; BRIAN
BEARDEN; DAVID RICHARDSON;
KENNETH CARLOCK; DERRICK MULLINS;
SHIRLEY MCDANIELS; FARON CLEMMONS;
MOSES JACKSON, III; and JOANN GRAY

DEFENDANTS

ORDER

The Court notes and appreciates the parties' suggestions and objections, *№ 142 & 143*, to the Court's working draft of instructions. New drafts are attached. I've tried to address most of the points in some way. A few are overruled. We'll discuss the current drafts at 8:30 Monday morning at the final pretrial.

1. Evans

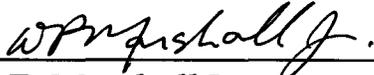
- 1-4: I've deleted references to names of particular officers in the statement of the case and preliminary instructions. I need to hear from Defendants, and hear the proof, before deciding which claims are submitted against which Defendant.
- 5-7: Adopted.
- 8: I've created draft 12A about McDaniels, but am uncertain whether I'll instruct.

- 9: I will incorporate Clemmons and Gray into draft No. 13, but am uncertain whether I'll instruct.
- 10: Adopted.
- 11: We'll see on spoliation.

2. Defendants

- 1:01: I've revised the excessive-force and deliberate-indifference sections as suggested.
- 1:02: Overruled.
- 1:06: Adopted.
- 1:07: Adopted.
- 3: Revised some, otherwise overruled. The *Roberts* quotation is unhelpful.
- 14: No change for now. I need to hear from Evans on this.
- 16: Adopted.

So Ordered.



D.P. Marshall Jr.
United States District Judge



2 April 2014