

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

ROBERT WOODS
Reg. #25154-076

PLAINTIFF

v.

No. 2:17-cv-98-DPM-JJV

CARLOS RIVERA, Former Warden,
Forrest City Correctional Complex;
GENE BEASLEY, Warden, FCCC;
WILLIAMS, Nurse, FCCC; CAPPS,
Doctor, FCCC; TINDALE, Doctor, FCCC;
and BRADSHAW, C-2 Unit Counselor, FCCC

DEFENDANTS

ORDER

Unopposed recommendation, No 38, partly adopted and partly declined. FED. R. CIV. P. 72(b) (1983 addition to advisory committee notes). Motion for summary judgment, No 28, partly granted and partly denied without prejudice. Wood's individual-capacity claims against Beasley will be dismissed without prejudice; and his damages claims against Beasley in his official capacity will be dismissed with prejudice. But Woods also requests declaratory and injunctive relief against Beasley in his official capacity. These claims present a more nuanced sovereign-immunity question. *E.g.*, 5 U.S.C. § 702; *Raz v. Lee*, 343 F.3d 936, 938 (8th Cir. 2003); *see also Simmat v. United States Bureau of Prisons*, 413 F.3d 1225, 1230-33 (10th Cir. 2005). The Court therefore returns

these claims to the Magistrate Judge for further proceedings and a supplemental recommendation, if appropriate.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

16 November 2017