

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

SANDRA K. WARD
A/K/A SANDRA K. NOLEN
ADC #704737

PLAINTIFF

V. NO: 3:09CV00041 BSM

CRAIGHEAD COUNTY JAIL *et al.*

DEFENDANTS

ORDER

The court has reviewed the proposed findings and recommended disposition submitted by United States Magistrate Judge H. David Young, and the objections of plaintiff Sandra K. Ward. After making a *de novo* review of the record, the court concludes that the proposed findings and recommended disposition should be, and hereby are, approved in part and rejected in part.

Plaintiff contends that she was sexually assaulted by another inmate while she was being transported by an official of the Craighead County Jail. The Magistrate Judge recommended dismissing the complaint because the jail is not a suable entity, the inmate is not a proper defendant for purposes of 42 U.S.C. § 1983, and plaintiff failed to state a claim against the transport officer. In her objections, plaintiff contends the transport officer was deliberately indifferent to her safety and failed to protect her. She asks for additional time to obtain the records from Craighead County Jail.

The court adopts the findings of the Magistrate Judge with respect to Craighead County Jail and the inmate and those defendants are hereby dismissed. The court rejects the proposed finding and recommendation of the Magistrate Judge that the John Doe transport

officer should be dismissed. Plaintiff should be allowed time to obtain records to develop her claim and identify the John Doe transport officer.

Accordingly, the case is referred back to the Magistrate Judge for further proceedings consistent with this order. The Craighead County Jail and the John Doe inmate are hereby dismissed.

IT IS SO ORDERED this 15th day of May, 2009.

Brian S. Miller
UNITED STATES DISTRICT JUDGE