

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

**NATHANIEL L. FITZGERALD  
ADC #84210**

**PLAINTIFF**

**v. Case No. 3:09-cv-154-DPM**

**TERESA BONNER; DAVID BOYKEN;  
JOHN DEXTER; SUPERVISOR BEASLEY;  
DR. SCHRADER; JANE DOE; and  
NURSE MANDY CHILDRESS**

**DEFENDANTS**

**ORDER**

The Court has reviewed this matter *de novo* because Fitzgerald filed objections, *Document Nos. 139–40 & 152*, to Magistrate Judge Volpe’s Proposed Findings and Recommendations, *Document No. 135*. In that *de novo* review, FED. R. CIV. P. 72(b)(3), the Court listened to the approximately three-hour hearing, studied the exhibits, and considered Fitzgerald’s arguments. The Court adopts Magistrate Judge Volpe’s proposal as the Court’s decision on Fitzgerald’s complaint.

Fitzgerald’s second amended complaint (and all addenda, and all prior complaints and addenda to the extent not superseded), *Document Nos. 2, 8, 11–13*, are dismissed with prejudice. The Court also denies the motion for jury trial and the motion to amend, *Document Nos. 144 & 156*, as moot.

So Ordered.

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

10 March 2011