

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

STERLING RAY

PLAINTIFF

v.

Case No. 3:10-cv-93-DPM

**LARRY NORRIS, individually and in his
official capacity, ARKANSAS DEPARTMENT
OF CORRECTION, DAVID B. EBERHARD,
Director of Arkansas Department of Community
Correction, individually and in his official capacity,
ARKANSAS DEPARTMENT OF COMMUNITY
CORRECTION, CORRECTIONAL MEDICAL
SERVICES, INC., WENDY SPANOS, M.D., and
JOHN DOES 1-3**

DEFENDANTS

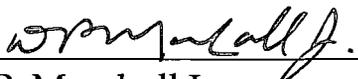
ORDER

The State Defendants moved for partial judgment on the pleadings, *Document No. 13*, which the Court granted in part and denied in part. In that order, the Court stated that one of the parties should move “to substitute the current Director of the Arkansas Department of Correction for former Director Norris.” *Document No. 28, at 5*. Plaintiff Ray has so moved under Federal Rule of Civil Procedure 25(d). *Document No. 29*. The Court grants Ray’s motion, with a qualification.

The Clerk is directed to add Ray Hobbs, in his official capacity as the current Director of Arkansas Department of Correction, as a Defendant in this case. Consistent with the Court's order on the State Defendants' motion for partial judgment on the pleadings, Ray may only proceed against Director Hobbs in his official capacity – and solely on a section 1983 claim seeking injunctive relief.

Here is the qualification: the substitution of Director Hobbs for former Director Norris is a partial one. The Court has allowed Ray's individual-capacity claim for money damages against Norris to proceed. *Document No. 28, at 8*. Thus, Norris – individually – remains a Defendant in this case based on that claim.

So Ordered.



D.P. Marshall Jr.
United States District Judge

25 Oct. 2010