

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

NICKLELAS NECESSITY BREWER  
ADC #116152

PLAINTIFF

V.

NO: 3:10CV00245 SWW/HDY

JACK McCANN *et al.*

DEFENDANTS

**ORDER**

The Court has reviewed the Proposed Findings and Partial Recommended Disposition submitted by United States Magistrate Judge H. David Young. After carefully considering the objections and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Partial Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED THAT:

1. The motion for summary judgment filed by Defendant Debra McMullin (docket entry #60) is GRANTED, Plaintiff's claims against McMullin are DISMISSED WITHOUT PREJUDICE, and McMullin's name is removed as a party Defendant.
2. The motion for summary judgment filed by Defendants John Smith, Jeremy Sparks, and Rick Webb (docket entry #63) is GRANTED.
3. Plaintiff's claims of inadequate medical care against John Smith, Jeremy Sparks, and Rick Webb, are DISMISSED WITHOUT PREJUDICE, and the names of John Smith and Jeremy Sparks are removed as party Defendants.
4. Plaintiff is allowed to proceed in this case on only his claim of excessive force, against Rick Webb only in his personal capacity, and any other claims he is pursuing regarding Rick

Webb's alleged use of force are DISMISSED WITH PREJUDICE.

IT IS SO ORDERED THIS 5<sup>TH</sup> DAY OF JANUARY, 2012.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE