

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

**DENNIS THRASHER,
ADC #656613**

PLAINTIFF

V.

NO. 3:10CV00298-BD

MICHAEL BRYAN, et al.

DEFENDANTS

ORDER

Plaintiff Dennis Thrasher filed this lawsuit alleging that in June of 2010, Defendant Michael Bryan sexually assaulted him. (Docket entry #2) Mr. Bryan previously filed a pro se answer to Mr. Thrasher's complaint (#18), and has now filed a motion to dismiss simply stating that "the allegations brought against [him] are not true and have no merit." (#38)

At this time, all inferences must be drawn in favor of the non-moving party – in this case, Mr. Thrasher. *Ritchie Capital Mgmt., L.L.C. v. Jeffries*, 653 F.3d 755 (8th Cir. 2011). Based on the allegations contained in Mr. Thrasher's complaint, he has stated an eighth amendment claim against Mr. Bryan. Therefore, the motion to dismiss is DENIED.

DATED this 21st day of December, 2011.


UNITED STATES MAGISTRATE JUDGE