

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

**MATTHEW D. HUFFSTATLER,  
ADC # 155080**

**PLAINTIFF**

**v.**

**No. 3:14-cv-40-DPM**

**MICHAEL YATES, Chief of Police,  
Jonesboro Police Department**

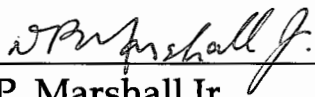
**DEFENDANT**

**ORDER**

Huffstatler alleges that members of the Jonesboro Police Department were deliberately indifferent to his mental-health needs and sues Yates, the Chief of Police, for failure to train these officers. Huffstatler also says that Yates violated ARK. CODE ANN. §§ 20-47-207 & 210(a)(1). Yates moves for judgment on the pleadings; he says the Jonesboro Police Department didn't have an affirmative duty to protect Huffstatler. The Court agrees. The Due Process Clause of the Fourteenth Amendment does not require the Jonesboro Police Department to protect citizens against themselves except in limited circumstances not present here. *DeShaney v. Winnebago County Department of Social Services*, 489 U.S. 189, 195-96 (1989); *Kennedy v. Schafer*, 71 F.3d 292, 294 (8th Cir. 1995); *Gladden v. Richbourg*, 2014 WL 3608521, at \*4-5 (8th Cir. 23 July 2014). And the Arkansas statutes that Huffstatler cites provide the procedure

for involuntary commitment, but don't impose an affirmative duty on the Department. Yates's motion, *No 13*, is therefore granted. Huffstatler's claims against Yates are dismissed with prejudice.

So Ordered.

  
\_\_\_\_\_  
D.P. Marshall Jr.  
United States District Judge

  
\_\_\_\_\_  
29 July 2014