

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

JAMES SPEARS, JR.

PLAINTIFF

v.

No. 3:17-cv-235-DPM-BD

DALE COOK, Sheriff, Mississippi
County; ANDREW HARRIS, Major,
Mississippi County Detention Center;
CLAYBURN HICKS, Captain, Mississippi
County Detention Center; LUTHER
WHITFIELD, Lieutenant, Mississippi
County Detention Center; STIPANUK,
Doctor, Mississippi County Detention
Center; KRIS STANKIEWICZ, Nurse,
Mississippi County Detention Center;
RONNIE McDERMOTT, Sergeant,
Mississippi County Detention Center;
SHAWN RAINEY, Jailer, Mississippi
County Detention Center; MATT MALONE,
Deputy, Mississippi County Detention Center;
and JOHN DOE, Deputy, Mississippi
County Detention Center

DEFENDANTS

ORDER

On *de novo* review, the Court sustains Spears's objection, *No. 8*, and adopts the partial recommendation, *No. 6*, as modified. FED. R. CIV. P. 72(b)(3). Spears's amended complaint does not contain claims against McDermott, Rainey, and Malone. *Compare No. 2 with No. 5*. Those defendants are dismissed without prejudice. *In re Atlas Van Lines, Inc.*,

209 F.3d 1064, 1067 (8th Cir. 2000). Defendant Hicks, however, is named in the amended complaint. The claims against him, as well as Cook, Harris, Whitfield, Stipunak, and Stankiewicz, proceed.

So Ordered.

D.P. Marshall Jr.

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United States District Judge

31 October 2017