

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 RAINY, 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.  
D.P. Marshall Jr.  
United States District Judge

31 October 2017