

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

BILLY CULBERTSON,  
ADC #076385

PLAINTIFF

v.

4:10-cv-01464-SWW-JTK

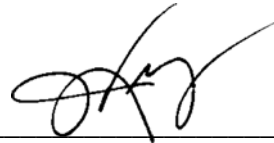
JIM ROBERSON, et al.

DEFENDANTS

**ORDER**

Defendants' Motion to Clarify the Court's June 24, 2011 Partial Report and Recommendation (Doc. No. 63) is DENIED. The official capacity argument was not raised in the Defendants' Motion for Summary Judgment (Doc. No. 45) and was not addressed in the June 24, 2011 Partial Report and Recommendation. The Partial Report and Recommendation was adopted in its entirety by Order dated July 26, 2011 (Doc. No. 61).

IT IS SO ORDERED this 29<sup>th</sup> day of July, 2011.



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JEROME T. KEARNEY  
UNITED STATES MAGISTRATE JUDGE