

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

FROILAN REYES
ADC #155527

PLAINTIFF

v. No. 4:17-cv-762-DPM-PSH

DAVID B. WARNER, MD, UAMS;
JOHNSON, Doctor, Pulaski County
Detention Center; ESTELLA BLAND,
RN, Cummins Unit; LaSONYA GRISWOLD,
Cummins Unit, MARCUS LAW, Doctor,
ADC; and SHARON RHODER, APN,
North Central Unit

DEFENDANTS

ORDER

On *de novo* review, the Court adopts Magistrate Judge Harris's partial recommendation, *No 84*, and overrules Warner's objections, *No 85*. FED. R. CIV. P. 72(b)(3). As Judge Harris noted, this case is still in early days. The proof before the Court is therefore limited. In the circumstances, the Court would benefit from a more developed record before ruling on the fraudulent concealment issue. This case may or may not be like *Quinones v. United States*, which didn't involve an allegedly misleading diagnosis or prognosis. *No 45* in E.D. Ark. *No 2:13-cv-19-DPM*.

Warner's motion for summary judgment, *No 50*, is denied without prejudice. Bland and Griswold's motion to dismiss, *No 65*, is granted; and Reyes's claims against them are dismissed with prejudice.

Reyes's claims against Johnson and Law are dismissed without prejudice. And his motions for clarification and for service, No 68 & No 78, are denied as moot.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

8 February 2019