

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

CLYDE R. LONG

PLAINTIFF

V.

No. 5:09CV00015 SWW-BD

STEPHEN BROUGHTON, *et al.*

DEFENDANTS

ORDER

The Court has received the Partial Recommended Disposition (“PRD”) from Magistrate Judge Beth Deere (docket entry #219), recommending that the Court grant in part and deny in part a motion to dismiss filed by Defendants Roberts and Couture. On February 8, 2010, Defendants filed a “supplement to motion to dismiss or, in the alternative, partial objection” (docket entry #224). Along with this filing, Defendants submit documentary evidence in support of their claim that Plaintiff failed to exhaust his administrative remedies. Given this filing, the Court determines that the PRD should be ADOPTED IN PART as follows:

IT IS HEREBY ORDERED that the partial recommended disposition (docket entry #219) is adopted to the extent that the Court finds that the motion to dismiss filed by Defendants Roberts and Couture (docket entry #213) is GRANTED IN PART AND DENIED IN PART. Specifically, Plaintiff’s claim against Defendant Roberts regarding her failure to provide pain medication following Plaintiff’s hip surgery in August 2007 is DISMISSED WITHOUT PREJUDICE. Plaintiff’s remaining claim against Defendant Roberts and his claim against Defendant Couture continue, and the Court construes the

supplemental motion to dismiss or partial objection (docket entry #224) solely as a motion to dismiss those remaining claims. **Plaintiff has up to and including fourteen (14) days from the entry day of this order in which to file a response to said motion.**

IT IS SO ORDERED THIS 31ST DAY OF MARCH, 2010.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE