

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

**CLYDE R. LONG,
ADC # 137424**

PLAINTIFF

V.

No. 5:09CV00015 SWW-BD

BROUGHTON, et al.

DEFENDANTS

ORDER

By order entered February 25, 2009, the Court adopted the partial recommended disposition entered by United States Magistrate Judge Beth Deere on February 5, 2009, which recommended dismissal of Plaintiff's claims against Correctional Medical Services ("CMS"), without prejudice, for failure to plead an actionable claim against the entity. Now before the Court is Plaintiff's motion to reconsider the decision to dismiss CMS as a named defendant. Plaintiff states that he is asking for an "extension on complaint" against CMS because he has yet to review his medical records, which he believes will reveal CMS personnel responsible for violating his Eighth Amendment rights.¹

As explained in the recommended disposition, CMS can be held liable in this action only if "there was a policy, custom, or official action that inflicted actionable injury." *Johnson v. Hamilton*, 452 F.3d 967, 973 (8th Cir. 2006). Plaintiff does not allege that he was injured as a result of CMS policy, custom, or official action or that review of his medical files will provide a basis for entity liability. Accordingly, the motion for reconsideration is DENIED.

IT IS SO ORDERED THIS 11TH DAY OF MARCH, 2009.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

¹On March 2, 2009, Judge Deere granted Plaintiff additional time, up to and including April 1, 2009, to name individual CMS employees who allegedly violated his constitutional rights.