

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

EDDIE BRILEY, JR.

PLAINTIFF

v.

CASE NO. 5:09CV00220 BSM/JTR

**RONNIE COLE, Chief Deputy,
W.C. Dub Brassell Detention Center et al.**

DEFENDANTS

ORDER

The proposed findings and recommended partial disposition submitted by United States Magistrate Judge J. Thomas Ray has been reviewed. No objections were filed. After carefully considering this document and making a *de novo* review of the record, it is concluded that the proposed findings and recommended partial disposition should be, and hereby are, approved and adopted in their entirety in all respects.

IT IS THEREFORE ORDERED that:

1. Defendants' Motion for Summary Judgment [Doc. No. 40] is GRANTED IN PART and DENIED IN PART such that: (a) all official capacity claims are DISMISSED, WITH PREJUDICE; (b) Plaintiff's inadequate medical care and retaliation claims against Defendants Randle, Royal, Adams, Browley, Cole, and Tyler are DISMISSED, WITH PREJUDICE; (c) Defendants Royal, Randle, and Tyler are DISMISSED, WITH PREJUDICE, because there are no remaining claims against them; and (d) Plaintiff shall PROCEED with his failure to protect, excessive force, and free exercise claims against Defendants Cole, Adams, Baughmon, Browley, Jones, and Wright.

2. IT IS CERTIFIED, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma*

pauperis appeal from this order would not be taken in good faith.

Dated this 11th day of March, 2011.


UNITED STATES DISTRICT JUDGE