

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

**EDDIE BRILEY, JR.,
ADC #116921**

PLAINTIFF

v.

CASE NO. 5:09CV00220 BSM-JTR

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

DEFENDANTS

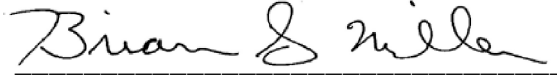
ORDER

The proposed findings and recommended disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections have been reviewed. After carefully considering these documents and making a *de novo* review of the record, it is concluded that the proposed findings and recommended disposition should be adopted in part and rejected in part. The proposed findings and recommended disposition are approved and adopted as to plaintiff's free exercise of religion and failure to protect claims; however, there are issues of material fact in dispute as to plaintiff's excessive force claim and therefore the proposed findings and recommended disposition are rejected as to that claim.

IT IS THEREFORE ORDERED that:

1. Defendants' second motion for summary judgment [Doc. No. 71] is granted as to plaintiff's free exercise of religion and failure to protect claims, and those claims are hereby dismissed with prejudice; and
2. Defendants' second motion for summary judgment [Doc. No. 71] is denied as to plaintiff's excessive force claim.

Dated this 4th day of August 2011.



UNITED STATES DISTRICT JUDGE