

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

ROBERT SOTO,
ADC #128324

PLAINTIFF

5:10-cv-00212-JMM-JTK

RAY HOBBS, et al.

DEFENDANTS


ORDER

The Court has received proposed findings and recommendations from United States Magistrate Judge Jerome T. Kearney. After a review of those proposed findings and recommendations, and the timely objections received thereto, as well as a de novo review of the record, the Court adopts them in their entirety. Accordingly,

IT IS, THEREFORE, ORDERED that:

1. Defendants' Motion for Summary Judgment (Doc. No. 79) is GRANTED in part, with respect to Plaintiff's allegations against Defendants Hobbs, May, Harris, Banks, Golden, Evans, Johnson, Boultinghouse, Tate, Jones, and Meinzer.
2. Plaintiff's claims against those Defendants are DISMISSED without prejudice.
3. Defendants' Motion for Summary Judgment (Doc. No. 79) is DENIED in part, with respect to Plaintiff's allegations against Defendant Dial.
4. Sufficient evidence exists to present Plaintiff's failure to protect claim against Defendant Dial to a jury, and this case is ready to be set for trial.
5. Counsel will be appointed for Plaintiff by separate Order, and at that time, be provided the opportunity to move to amend Plaintiff's Complaint, if appropriate.

IT IS SO ORDERED this 7 day of November, 2011.



JAMES M. MOODY
UNITED STATES DISTRICT JUDGE