

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

MICHAEL LAYNE ODOM,  
ADC # 98676

PLAINTIFF

v.

No. 5:11-cv-260-DPM

JIMMY BANKS, Warden, Varner Unit,  
ADC; ANTWON EMSWELLER, Lt.,  
Varner Unit, ADC; STEPHEN HUMPHREY,  
Radiologist, Quality Mobile X-ray Services;  
and DOES, Jane & John, ADC

DEFENDANTS

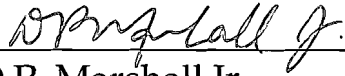
ORDER

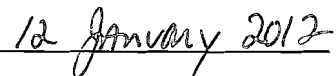
Magistrate Judge H. David Young entered Proposed Findings and Recommendations in this case, *Document No. 38*, to which Odom objected, *Document No. 43*. Having conducted a *de novo* review of the record, FED. R. CIV. P. 72(b)(3), the Court adopts the partial recommended disposition as its own. Even if Humphrey (a radiologist) made a false statement about Odom's x-ray, that alone would not violate the Constitution. *Sprouse v. Babcock*, 870 F.2d 450, 452 (8th Cir. 1989). More importantly, Odom has not described any

actions by Humphrey sufficient to hold the radiologist liable for the alleged wrongdoing of the named prison officials.

Humphrey's motion to dismiss, *Document No. 16*, is granted. Odom's claims against Humphrey are dismissed with prejudice. Humphrey's motions for leave to file a reply brief, *Document No. 33*, and for a protective order, *Document No. 36*, are denied as moot.

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

  
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12 January 2012