

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

**DETRICK D. CROSTON  
ADC #131172**

**PLAINTIFF**

**v.**

**No. 5:13-cv-217-DPM-BD**

**ARTIS RAY HOBBS, Director, ADC; MARVIN  
EVANS, ADC; RAYMOND NAYLOR, ADC;  
THOMAS ROLAND, ADC; WILLIAM  
STRAUGHN, Maximum Security Unit, ADC;  
STEVE OUTLAW, Maximum Security Unit, ADC;  
MAURICE WILLIAMS, Maximum Security Unit,  
ADC; GREG SOCIA, Maximum Security  
Unit, ADC; RODERICK COOKSEY; MORRIS,  
Sergeant, Maximum Security Unit; and MARSH,  
Correctional Officer, Maximum Security Unit**

**DEFENDANTS**

**ORDER**

Unopposed partial recommendation, *No 48*, declined. Croston's motion for default judgment against Cooksey, *No 47*, is denied without prejudice. Croston claims deliberate indifference, retaliation, and cruel and unusual punishment against all defendants. *No 2*. Entry of judgment against Cooksey now could create inconsistent results in this common claims/multi-defendant case. *United States ex rel. Costner v. United States*, 56 Fed. Appx. 287, 288 (8th Cir. 28 Jan. 2003); *Frow v. De La Vega*, 82 U.S. 552, 554 (1872); *see generally*, 10A WRIGHT, MILLER, & KANE, FEDERAL PRACTICE AND PROCEDURE: CIVIL 3d §2690 (1998). Cooksey has lost standing and will not be heard in defense on

liability. But any judgment should await further factual development and the other defendants' opportunity to defend themselves. An inconsistency may or may not be justified, depending on what actually happened and applicable law. Motion for ruling, No 49, denied as moot.

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

20 November 2014