

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

**HAROLD DAVEY CASSELL
ADC #73855**

PLAINTIFF

VS.

5:16-CV-00122 BRW/JTR

**RORY GRIFFIN,
Deputy Director, ADC, et al.**

DEFENDANTS

ORDER

I have reviewed the Recommendation (Doc. No. 36) submitted by United States Magistrate Judge J. Thomas Ray. No objections have been filed and the time for doing so has passed. After considering these documents and making a *de novo* review of the record, I approve and adopt the Recommendation. Accordingly, Defendants' Motion to Dismiss for failure to state a claim (Doc. No. 25) is DENIED.

I have also reviewed the Recommendation (Doc. No. 37) submitted by Judge Ray and the filed objections. After considering these documents and making a *de novo* review of the record in this case, I approve and adopt the Recommendation. Accordingly, Griffin's motion for summary judgment (Doc. No. 19) is GRANTED IN PART and DENIED IN PART. Plaintiff's request for monetary damages against Griffin in his individual capacity is dismissed with prejudice. Plaintiff may proceed with all other claims against Griffin.

IT IS SO ORDERED this 12th day of October, 2016.

/s/ Billy Roy Wilson
UNITED STATES DISTRICT JUDGE