

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

JERRY KERR
ADC #138631

PLAINTIFF

v.

No. 5:16-cv-243-DPM-JTR

JARED BYERS, Assistant Deputy Warden,
Cummins Unit; JAROD BYRD, Doctor,
Cummins Unit; WILLIAM STRAUGHN,
Head Warden, Cummins Unit; and ESTELLA
BLAND, Nurse Practitioner, Cummins Unit

DEFENDANTS

ORDER

Unopposed partial recommendation, *No* 22, adopted. FED. R. CIV. P. 72(b) (1983 addition to advisory committee notes). Kerr's Fourteenth Amendment claims are dismissed without prejudice for failure to state a claim. The motion to dismiss, *No* 9, is granted in part and denied in part: Kerr's Eighth Amendment claims for damages against Byers and Straughn, in their official capacities, are dismissed with prejudice; but Kerr's remaining Eighth Amendment claims against them may proceed.

So Ordered.

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

22 November 2016