

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

**TRAVIS HOMER ELLIS, JR  
ADC # 551269**

**PLAINTIFF**

**V.**

**CASE NO. 5:16-CV-00373 SWW/BD**

**JACOB RAWSON, et al.**

**DEFENDANTS**

**ORDER**

The Court has received a Partial Recommended Disposition (“Recommendation”) filed by Magistrate Judge Beth Deere. After careful review of the Recommendation, Defendants’ timely objections,<sup>1</sup> as well as a *de novo* review of the record, the Court concludes that the Recommendation should be, and hereby is, approved and adopted as this Court’s findings in all respects.

Defendants’ motion to dismiss (#9) is GRANTED, in part, and DENIED, in part. Mr. Ellis’s claims against Defendants in their official capacities are DISMISSED, with prejudice. Mr. Ellis may proceed on his claims against Defendants in their individual capacities.

IT IS SO ORDERED, this 28<sup>th</sup> day of March, 2017.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Defendants Rawson and Kirtley object to the recommended disposition, arguing for the **first time** that they are entitled to qualified immunity. Defendants may assert the defense of qualified immunity in a separate motion, but the affirmative defense cannot be raised by way of objections to partial recommendations that address completely separate issues.