

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

JERRY RAY SCOTT

PLAINTIFF

VS.

CASE NO. 05-CV-1100

SHERIFF BUTCH BELIN; and
BRADLEY COUNTY, ARKANSAS

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed January 17, 2008, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. No. 52). Judge Bryant finds that Plaintiff Jerry Ray Scott's civil rights were violated when he was arrested and held in the Bradley County Jail for seventy-eight (78) days before being brought before a judge for his first appearance. He recommends that Scott be awarded nominal damages in the amount of \$1 per day for the seventy-eight days he was detained prior to appearing before a judge. Judge Bryant further recommends that the Defendants be ordered to pay to the Clerk of Court the \$250 filing fee that was assessed against Scott pursuant to the terms of the Prison Litigation Reform Act. Ten (10) days have passed without objections being filed by the parties. Therefore, the Court hereby adopts the Magistrate Judge's findings and recommendations, *in toto*.

The Court finds that the Plaintiff's civil rights were violated by the Defendants when he was arrested and held in the Bradley County Jail for seventy-eight days without being brought before a judge for his first appearance. Accordingly, Scott is entitled to an award of nominal

damages in the amount of \$1 per day for each day that he was detained without being afforded his first appearance. He is also entitled to an award of \$250 for the filing fee that was assessed against him in this case.¹ A separate Judgment in favor of the Plaintiff Jerry Ray Scott and against the Defendants Sheriff Butch Belin and Bradley County, Arkansas, will be entered in this case.

IT IS SO ORDERED, this 7th day of February, 2008.

/s/Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge

¹ In his Report and Recommendation, Judge Bryant recommended that the Defendants be ordered to pay to the Clerk of Court the \$250 filing fee that was assessed against Scott in this case. However, as of April 20, 2006, this filing fee has been paid in full. Therefore, the amount of the filing fee assessed in this case is to be paid to Scott rather than the Clerk of Court.