

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

KENDRICK C. STORY

PLAINTIFF

V.

CASE NO. 07-CV-01062

PAUL LUCAS, et al.

DEFENDANTS

ORDER

Before this Court is the Report and Recommendation filed February 25, 2010, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 55). Plaintiff, Kendrick C. Story, filed a civil rights action against the named Defendants pursuant to 42 U.S.C. § 1983. Judge Bryant recommends that Defendants' Motion for Summary Judgment be granted in part and denied in part. Namely, Judge Bryant recommends that the motion be granted with regards to the denial of medical care claim, failure to protect claim, and all claims made against Sheriff Paul Lucas, Lieutenant Joe Strickland, and Deputy Chris Gill. Furthermore, Judge Bryant recommends that summary judgment be denied with regards to the claim of excessive use of force asserted against Captain David Norwood. (Doc. 55). Plaintiff has not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation *in toto*. Accordingly, Defendants' Motion for Summary Judgment is **GRANTED** in part and **DENIED** in part. Plaintiff's claims are **DISMISSED** with respect to Defendants Sheriff Paul Lucas, Lieutenant Joe Strickland, and Deputy Chris Gill. Furthermore, Summary Judgment is **DENIED** as to the claim alleging excessive use of force asserted against Captain David Norwood.

IT IS SO ORDERED, this 16th day of March, 2010.

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