

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

GERALD THOMAS PONDER

PLAINTIFF

V.

Civil No.13-cv-1088

JUDGE GEORGE VANHOOK, et al.

DEFENDANTS

JUDGMENT

Before the Court is the Report and Recommendation filed April 25th, 2014, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 16). Judge Bryant recommends that certain claims against certain defendants be dismissed. The parties have 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, Plaintiff's claims against the Union County Sheriff's Department, El Dorado Police Department, Judge Vanhook, Lee Ward, and Cara Gibson are **DISMISSED**. Plaintiff's claims relating to his charges, convictions, sentences, and incarceration are **DISMISSED**. Plaintiff's official capacity claims are **DISMISSED**. Plaintiff's Medicaid fraud claim is **DISMISSED**. Plaintiff's claims of failure to investigate regarding the altercation with Mr. Wilbound are **DISMISSED**. This leaves Plaintiff's claims that: (1) he was harassed for three hours on a traffic stop; (3) his truck was illegally seized and sold; (3) he was denied medical care and medication; (4) excessive force was used against him during his arrests on July 3, 2012, and on October 1, 2013 and on another occasion at the hospital; (5) Capital Mitchell

threatened him; (6) the conditions of his confinement (over-crowded, poor ventilation, black mold, no UV lights for tuberculosis, exposed to tuberculosis, denied shave and hair cut) at the UCDC violated his constitutional rights; and (7) he was denied an attorney.

IT IS SO ORDERED, this 15th day of May, 2014.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District