

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

CARL EDWARD WILLIS

PLAINTIFF

v.

Case No. 06-2069

FRANK ATKINSON, GUARD MOULDER,
GUARD JACOB FINK, GUARD RESTINE,
CPL. PAUL, CAPT. CONGER, LT.
JACKSON, OFFICER REILLY, OFFICER
DUTTON, CRYSTAL REED and ANITA BASS

DEFENDANTS

ORDER

Now on this 16th day of March 2009, there comes on for consideration the report and recommendation filed herein on February 23, 2009, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. (Doc. 66). The parties did not file written objections to the report and recommendation.

The court has reviewed this case and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, Defendants' Motion for Summary Judgment (Doc. 59) is GRANTED as to Plaintiff's official capacity claims and claims of tampering with legal mail, missed medications, racial threats and failure to protect from jail personnel, and these claims are DISMISSED WITH PREJUDICE. Defendants' Motion is DENIED as to Plaintiff's claims of excessive force, denial of medical attention after altercation with inmate Combs and guards, failure

to protect Plaintiff from inmate Combs, lack of due process at disciplinary hearing and retaliation. These remaining claims will be set for a bench trial.

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge