

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

RICKY LEWIS HARRIS

PLAINTIFF

v.

Case No. 10-2189

CAPTAIN CONGER, DR.
TOM TINSMAN and NURSE
ANGIE NOUROZY

DEFENDANTS

ORDER

Now on this 23rd day of March 2012, there comes on for consideration the report and recommendation filed herein on January 17, 2012, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. (Doc. 25). Also before the Court are Defendants' objections (doc. 26).

The court has reviewed this case *de novo* 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. 17) is DENIED as to Plaintiff's failure to provide medical care claim, and this matter shall be scheduled for an evidentiary hearing to further develop the material facts in that regard.

IT IS SO ORDERED.

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