

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

MARCUS LEON RUSSELL

PLAINTIFF

v.

Case No. 2:11-CV-02242

SHERIFF JIMMY DORNEY, JOHNSON
COUNTY, ARKANSAS; and
TROOPER GEORGE SUMMERLINE

DEFENDANTS

ORDER

Currently before the Court is the Report and Recommendations (Doc. 19) filed in this case on March 5, 2012, by the Honorable James R. Marschewski, United States Magistrate for the Western District of Arkansas, in regard to two Motions to Dismiss (Docs. 12 and 17) filed by Defendants Dorney and Summerline. Also before the Court are Plaintiff's Objections (Doc. 20) to the Report and Recommendations.

Having reviewed the case *de novo*, the Court finds that Plaintiff has failed to state a claim for a violation of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") because there is no private right of action created by HIPAA. The Magistrate's findings with regard to Plaintiff's claims against Defendants in their personal and official capacities are well-reasoned and show that there is no basis upon which Defendants may be held liable to Plaintiff in their personal or official capacities. Furthermore, the Court is persuaded by the Magistrate's finding that Plaintiff failed to state facts amounting to a deprivation or denial of his constitutional rights. Accordingly, Plaintiff's Objections to the Report and Recommendations offer neither law nor fact requiring departure from the Magistrate's findings.

Therefore, the Court, being well and sufficiently advised, finds that the Report and

Recommendations (Doc. 19) is proper and should be and hereby is **ADOPTED IN ITS ENTIRETY**. For the reasons stated herein and in the Magistrate Judge's Report and Recommendations, Defendants' Motions to Dismiss (Docs. 12 and 17) are **GRANTED**, and Plaintiff's Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted.

IT IS SO ORDERED this 2nd day of April, 2012.

/s/ P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE