

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

BOBBY DWAYNE WILLIAMS

PLAINTIFF

v.

Case No. 2:13-CV-02176

RON BROWN, Sheriff, Crawford County,
Arkansas; and VERN CUPP, Lt., Crawford
County Detention Center

DEFENDANTS

ORDER

Currently before the Court are the findings and recommendations (Doc. 24) of the Honorable James R. Marschewski, Chief United States Magistrate for the Western District of Arkansas. Also before the Court are Plaintiff's Objections (Doc. 25). The magistrate recommends dismissing claims alleging violation of state laws as well as claims for injunctive relief while leaving Plaintiff's other claims pending. Plaintiff's objections do not appear to specifically address the magistrate's findings or recommendations, but rather appear to expound upon the allegations of his complaint. The Court finds, therefore, that Plaintiff's objections raise no issue that would require departure from the findings and recommendations of the magistrate.

The Court, therefore, ADOPTS in large part the report and recommendations (Doc. 24). The Court declines to adopt, however, the ultimate recommendation that Defendants' motion to dismiss "should be granted with respect to the alleged violation of state law." It is not clear what the magistrate is recommending the Court dismiss. The Court agrees with the magistrate's reasoning earlier in the report that not every violation of state law equates with a violation of federal constitutional law. However, such violations may properly be asserted in the context of alleging a broader constitutional violation. It is not clear to the Court that Plaintiff is making separate state law

and federal law claims. Because the Court finds, as recommended by the magistrate, that Plaintiff has asserted a plausible federal claim against Defendants, the Court declines to attempt to separate out for dismissal any undefined state-law claims raised by Plaintiff.

Plaintiff does not appear to object to the dismissal of his claim for injunctive relief, and the Court adopts the magistrate's reasoning and recommendation as to this claim.

Therefore, for the reasons stated herein and in the report and recommendations, Defendants' motion to dismiss (Doc. 12) is GRANTED IN PART insofar as any claims for injunctive relief are DISMISSED AS MOOT. The motion is DENIED in all other respects.

IT IS SO ORDERED this 14th day of August, 2014.

/s/ P. K. Holmes, III

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