

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

ROBERT S. PHILPOTT

PLAINTIFF

v.

No. 2:20-CV-02130

SEBASTIAN COUNTY, et al.

DEFENDANTS

ORDER

The Court has received a report and recommendations (Doc. 18) from United States Magistrate Judge Mark E. Ford. Plaintiff has filed objections (Doc. 25). The Magistrate Judge recommends on preservice screening under 28 U.S.C. § 1915A that Plaintiff be permitted to proceed on his 42 U.S.C. § 1983 claims against Sebastian County and against the named Defendants in their personal capacities to the extent that the claims are premised on Plaintiff's allegations that these Defendants knowingly exposed him to COVID-19, but that Plaintiff's remaining claims be dismissed without prejudice. The Court has reviewed the record de novo in light of Plaintiff's objections. Neither law nor fact requires departure from the report and recommendations, which is ADOPTED.

IT IS THEREFORE ORDERED that the following claims are DISMISSED WITHOUT PREJUDICE:

- All claims against the Sebastian County Sheriff's Department;
- Official capacity claims against Defendants Hewing, Rogers, and Jenkins;
- All *Bivens* action claims;
- All conditions of confinement claims based on a thin sleeping mat and denial of an "hour out" of exercise time;
- All claims based on denial of access to the commissary;

- All denial of access to the courts claims based on denial of indigent paper and envelopes.

IT IS FURTHER ORDERED that this case otherwise remains pending and referred to the Magistrate Judge for further proceedings.

IT IS SO ORDERED this 17th day of November, 2020.

/s/ P. K. Holmes, III

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