

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

PAUL ROBERT BUIKEMA, JR.

PLAINTIFF

v.

No. 2:21-CV-2155

SERGEANT BRIAN MCGREW,
Sebastian County Sheriff's Department

DEFENDANT

OPINION AND ORDER

The Court has received a report and recommendation (Doc. 66) (“R&R”) from the Chief United States Magistrate Judge Mark E. Ford, recommending that Defendant Sergeant Brian McGrew’s motion for summary judgment (Doc. 59) be granted, and that Plaintiff Paul Robert Buikema, Jr.’s claims be dismissed with prejudice. Mr. Buikema has filed objections (Doc. 70) to the R&R.

Mr. Buikema has also filed three separate motions regarding the R&R and Sergeant McGrew’s underlying motion for summary judgment: a motion for leave to supplement evidence (Doc. 67); a motion for extension of time to file response (Doc. 71); and a motion for subpoena (Doc. 72). All three of these motions are premised on Mr. Buikema’s belief that the Court does not possess, and lacked the opportunity to review, surveillance video of the incident which gave rise to Mr. Buikema’s lawsuit. However, Mr. Buikema is mistaken about this. On July 11, 2022, the Court received from Sergeant McGrew’s counsel a flash drive containing the surveillance video, which was submitted as an exhibit in support of his motion for summary judgment. *See* Doc. 63. The Magistrate Judge reviewed the surveillance video and described its contents in the R&R. *See, e.g.*, Doc. 66, pp. 3–4. Accordingly, Mr. Buikema’s three pending motions will be denied as moot.

As for the R&R itself, the Court has conducted a *de novo* review of the R&R in light of Mr. Buikema's objections, *see* 28 U.S.C. § 636(b)(1), and finds that his objections offer neither law nor fact requiring departure from the Magistrate Judge's findings. The R&R is proper, contains no clear error, and will be adopted in its entirety.

IT IS THEREFORE ORDERED that Plaintiff Paul Robert Buikema, Jr.'s motion for leave to supplement evidence (Doc. 67), motion for extension of time to file response (Doc. 71), and motion for subpoena (Doc. 72) are all DENIED AS MOOT.

IT IS FURTHER ORDERED that the report and recommendation (Doc. 66) is ADOPTED IN ITS ENTIRETY, Defendant Sergeant Brian McGrew's motion for summary judgment (Doc. 59) is GRANTED, and Plaintiff's claims are DISMISSED WITH PREJUDICE. Judgment will be entered separately.

IT IS SO ORDERED this 7th day of November, 2022.

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