

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION**

**PAUL EUGENE LEDKINS**

**PLAINTIFF**

**v.**

**Case No. 3:16-CV-03079**

**JAILER GUSTIN;  
LIEUTENANT CRIBBS; and  
SERGEANT MORRELL**

**DEFENDANTS**

**OPINION AND ORDER**

This case concerns Plaintiff Paul Eugene Ledkins' Complaint that he was subjected to certain conditions of confinement at the Carroll County Detention Center ("CCDC") that violated his Eighth Amendment right. Currently before the Court is the Report and Recommendation ("R&R") (Doc. 28) of the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas, which was filed in this case on July 5, 2017, regarding Defendants' joint Motion for Summary Judgment (Doc. 20) and Brief in Support (Doc. 21). On March 16, 2017, Judge Marschewski held an evidentiary hearing to allow Mr. Ledkins the opportunity to orally respond to the Motion. Judge Marschewski now recommends that the Motion be granted and the case dismissed with prejudice.

On July 12, 2017, Mr. Ledkins filed a one-paragraph document (Doc. 29) that appears to refer to the Motion for Summary Judgment, but does not contain any specific objections to the Magistrate Judge's proposed findings and recommendations in the R&R. In the document, Mr. Ledkins confirms that he received "court documents of the defendants" regarding their request that the case be dismissed. *Id.* He then expresses his concern that if the case were dismissed, "all defendants would go on doing wrong to

others as they done to me.” *Id.* He concludes as follows: “I’m praying that you and the Court system takes the time to see how my claims are facts and that myself nor any other human being should of been treated as I was while in CCDC.” *Id.*

Objections to the R&R were due on July 24, 2017. The only item that was filed of record as of that deadline was the one-paragraph document that was previously described (Doc. 29). Pursuant to 28 U.S.C. § 636(b)(1), the Court must give *de novo* consideration to those portions of the R&R to which objections are made. However, in order to trigger such review, the objections must address particular findings or conclusions of the magistrate judge or assert specific allegations of error. *See, e.g., Hudson v. Gammon*, 46 F.3d 785, 786 (8th Cir. 1995) (“A district court must make a *de novo* determination of those portions of a magistrate's report and recommendation to which objections are made.”). Mr. Ledkins' filing (Doc. 29) does not reference any portion of the R&R and only asks that the Court not dismiss his case. His filing therefore fails to constitute an objection to the R&R that triggers *de novo* review by the Court.

Nevertheless, in an abundance of caution and in consideration of the fact that Mr. Ledkins is proceeding *pro se*, the Court has revisited all the pleadings in this case, including the briefing on summary judgment, and has also reviewed the audio recording of the evidentiary hearing conducted on March 16, 2017. Following this review, the Court finds that the Magistrate Judge's recitation of the facts, standard of review, and conclusions of law are correct, and summary judgment is appropriate here. Defendants have demonstrated “that there is no genuine dispute as to any material fact and the movant[s] [are] entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a).

### III. CONCLUSION

The R&R (Doc. 28) is **ADOPTED IN ITS ENTIRETY**, and Defendants' Motion for Summary Judgment (Doc. 20) is **GRANTED**. Judgment will enter concurrently with this opinion.

**IT IS SO ORDERED** on this 8<sup>th</sup> day of August, 2017.



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TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE