

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

MICHAEL PERRY

PLAINTIFF

VS.

CASE NO. 4:07-CV-4013

LT. MIKE GRAY; SGT.
SIMEON AMES; SHAWN
GARLAND; and LORI JONES

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed August 11, 2008 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 39). Plaintiff Michael Perry, proceeding *pro se* and *in forma pauperis*, brings this lawsuit against Defendants pursuant to 42 U.S.C. § 1983, alleging violations of his civil rights in the form of excessive force and denial of adequate medical care. A Motion for Summary Judgment was filed on behalf of all named Defendants, and Plaintiff has also moved for summary judgment in his favor. Judge Bryant recommends that Defendants' Motion for Summary Judgment be granted in part and denied in part, dismissing all claims against Defendants Ames, Garland and Jones, and that Plaintiff's Motion for Summary Judgment be denied. Plaintiff Perry has responded with timely objections. (Doc. 40). After reviewing the record *de novo*, the Court adopts Judge Bryant's Report and Recommendation as its own.

In his Objections to the Report and Recommendation, Perry argues that, while a pretrial detainee, Hempstead County was "responsible for [his] well being." (Doc. 40, pg. 4). To a limited extent, the Court agrees, but the law in this Circuit allows prison officials to utilize non-lethal chemicals for the purpose of controlling a "recalcitrant inmate." *Jones v. Shields*, 207 F.3d 491, 496 (8th Cir. 2000). In addition, the Court has reviewed Plaintiff's objections, and finds that they do not

