

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

JAMES RAY THOMPSON

PLAINTIFF

VS.

Civil No. 4:10-cv-4113

SHERIFF RON STOVALL;
and MS. ALICE MILLER

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed February 15, 2012, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 55). Judge Bryant recommends that Defendants' Motion for Summary Judgement (ECF No. 43) be granted in part and denied in part. The parties have not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1).¹ Therefore, the Court adopts the Report and Recommendation *in toto*. Defendants' Motion for Summary Judgment should be and hereby is **GRANTED IN PART** and **DENIED IN PART**.

Specifically, the motion should be **granted** with respect to the following: (1) all conditions of confinement claims *except* Thompson's claim regarding the lack of exercise and an insufficient supply of toilet paper; (2) the access to the courts claim; (3) interference with the mail claims stemming from one letter not reaching its destination and two legal envelopes being opened outside his presence; and (4) the inadequate grievance procedure claim. The motion should be **denied** with

¹ The Court notes that Plaintiff filed a Motion to Appoint Counsel (ECF No. 56) within the period for objections. However, in that motion, Plaintiff did not make any objections to the Report and Recommendation or indicate that counsel was needed in order for him to timely respond to the Report and Recommendation.

respect to the following: (1) the conditions of confinement claims stemming from lack of exercise and lack of a sufficient supply of toilet paper; (2) the claims alleging that the policy of requiring all outgoing mail to be unsealed is violative of the constitution; and (3) the Due Process claim stemming from the forty-four day incarceration in Super Max.

IT IS SO ORDERED, this 26th day of March, 2012.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District Judge