

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

DIONKO HORTON

PLAINTIFF

V.

Civil No. 10-cv-4169

BOBBY SLIGER; SGT.
JEREMY BROWN; CPT.
JOHNNY GODBOLD; SHERIFF
JERRY CRANE; and CHIEF
JAMES SINGLETON

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed February 27, 2013 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 40). Plaintiff brings several constitutional claims against Defendants in both their official and individual capacities. Judge Bryant has reviewed Defendants' Motion for Summary Judgment (ECF No. 28) and recommends granting the motion in part and denying it in part. The parties have not filed objections to the Report and Recommendation, and the time for doing so has passed. *See* 28 U.S.C. § 636(b)(1)(C). After a *de novo* review of the record, the Court adopts Judge Bryant's report as its own.

Accordingly, Defendants' motion (ECF No. 28) should be and hereby is **GRANTED IN PART** and **DENIED IN PART**. The following claims by Plaintiff are **DISMISSED WITH PREJUDICE**: (1) the official capacity claims against all Defendants; (2) the individual capacity claims against Defendants Crane and Singleton; (3) the conditions of confinement claim related to an incident on November 7, 2010; and (4) the due process claim and conditions of confinement claim related to a twenty-three-hour lock down. However, four of Plaintiff's claims

remain: (1) the denial of medical care claim; (2) the unlawful strip search claim; (3) the retaliation claim; and (4) the conditions of confinement claim related to Plaintiff's drinking cup against Defendants Godbolt, Sliger, and Brown in their individual capacities.

IT IS SO ORDERED, this 25th day of March, 2013.

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