

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

ANDRE LAKEITH JOHNSON

PLAINTIFF

vs.

Civil No. 4:11-cv-4005

OFFICER PIERRE SUMMERVILLE and
SHERIFF JAMES A. SINGLETON

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed September 29, 2011, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 16). Judge Bryant recommends that the motion for judgment on the pleadings (ECF No. 9) 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). Therefore, the Court adopts the Report and Recommendation *in toto*. Accordingly, the Court finds that the motion for judgment on the pleadings (ECF No. 9) is **GRANTED IN PART** and **DENIED IN PART**. The motion is granted with respect to all claims against Sheriff James A. Singleton and any official capacity claims against Officer Summerville. The motion is denied as to the individual capacity claim against Officer Summerville.

IT IS SO ORDERED, this 21st day of November, 2011.

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