

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

KEVIN DIXON

PLAINTIFF

VS.

CASE NO. 4:11-CV-04015

SHERIFF RON STOVALL;  
CAPTAIN HARTLINE; CAPTAIN  
HEINTZLEMAN; SGT. GILES;  
SGT. BAYLESS; CPL. LAFAYETTE;  
JAILER ADAMS; JAILER S. SMITH;  
JAILER SHIVERS; and ALICE MILLER;  
And TONY HANNING

DEFENDANTS

**ORDER**

Before the Court is the Report and Recommendation filed November 20, 2013 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 83). Judge Bryant has examined the Motion for Partial Summary Judgment (ECF No. 74) filed on behalf of Defendants Ron Stovall, Steve Hartline, Golden Adams, Woody Giles, Guy Bayless, Benzel Shivers, Jack Heintzleman, Kelli Lafayette, Tony Hanning, Alice Miller, and Sonyea Smith. Judge Bryant recommends granting in part and denying in part the Defendants' motion. Plaintiff has filed an objection to Judge Bryant's report. (ECF No. 84). After conducting a *de novo* review of the record, the Court overrules Plaintiff's objections<sup>1</sup> and adopts Judge Bryant's Report and Recommendation as its own.

Defendants' Motion for Partial Summary Judgment (ECF No. 74) is hereby **GRANTED**

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<sup>1</sup> Plaintiff objects only to the dismissal of Bayless, Smith, and Hanning. His objections simply rehash facts and arguments already addressed in Judge Bryant's Report and Recommendation. Accordingly, the Court will not conduct another discussion of these issues in the present Order.

**IN PART** and **DENIED IN PART**. Specifically, Defendants Bayless, Smith, Shivers, Hanning, Miller, and Giles are dismissed from this action with prejudice; and Plaintiff's claims against Defendant Stovall shall remain for further resolution. Further, because Defendants' motion only moved for dismissal of certain Defendants, Plaintiff's due process and conditions of confinement claims against the following Defendants also remain for latter resolution: Defendants Hartline, Heintzman, Lafayette, and Adams.

Because Defendants admit that there are "material issues of fact that will need to be resolved by a fact-finder," the Court finds that an evidentiary hearing will not be helpful in this case. A jury trial is necessary, and a scheduling order will be issued at a later date.

IT IS SO ORDERED, this 12th day of December, 2013.

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