

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

DON EARL LEWIS

PLAINTIFF

v.

Case No. 4:12-cv-04100

MARTY BRAZELL; and
ERICA CALLWOOD

DEFENDANTS

DON EARL LEWIS

PLAINTIFF

v.

Case No. 4:12-cv-04139

STEPHEN WARD

DEFENDANT

ORDER

Plaintiff Don Lewis filed Civil No. 4:12-cv-04100 and Civil No. 4:12-cv-04139 pro se pursuant to 42 U.S.C. § 1983. These cases were consolidated by Order dated April 7, 2014. (ECF No. 32).

Before the Court is the Report and Recommendation filed February 23, 2015, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 50). Judge Bryant recommends Separate Defendant Callwood's Second Motion for Summary Judgment (ECF No. 34) be denied, and Separate Defendants Brazell and Ward's Second Motion for Summary Judgment (ECF No. 37) 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). The Court adopts the Report and Recommendation *in toto*. Accordingly, Separate Defendant Callwood's Second Motion for Summary Judgment (ECF No. 34) is hereby **DENIED**, and Separate Defendants Brazell and Ward's Second Motion for

Summary Judgment (ECF No. 37) is hereby **GRANTED in part** and **DENIED in part**. Specifically, Plaintiff's grievance claims against Separate Defendant Brazell are dismissed. Plaintiff's Fourth Amendment claims against Separate Defendants Callwood, Brazell, and Ward remain.

IT IS SO ORDERED, this 13th day of March, 2015.

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