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

DON EARL LEWIS   PLAINTIFF

vs.   Civil No. 4:12-cv-4139

SHERIFF WARD   DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed December 18, 2013, by the
Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas.
(ECF No. 20). Judge Bryant recommends that Defendant's Motion to Dismiss (ECF No. 12) be
granted in part and denied in part. Judge Bryant recommends that the claims relating to
Defendant withholding and covering up evidence in the investigation of Plaintiff's criminal case
should be dismissed with prejudice. However, Judge Bryant recommends that Plaintiff's claims
relating to the taking of his DNA should remain. On January 21, 2014, Plaintiff filed objections
to Judge Bryant's Report and Recommendation. (ECF No. 24). After reviewing the record *de
novo*, the Court adopts Judge Bryant's Report and Recommendation as its own.

Rather than objecting to the Report and Recommendation, Plaintiff appears to agree with
Judge Bryant. Plaintiff states that he "agrees with the Court's decision . . . regarding . . . the
taking of his DNA." Plaintiff further states he "also agrees with the Court's decision in relation
to [his] claims against Defendant regarding the allegations that Defendant withheld and covered
up evidence."

Therefore, the Court adopts Judge Bryant's Report and Recommendation. (ECF No. 20).
Accordingly, Defendant's Motion to Dismiss (ECF No. 12) should be and hereby is **GRANTED
IN PART** and **DENIED IN PART**. Defendant's Motion to Dismiss is **GRANTED** as to the

claims relating to Defendant withholding and covering up evidence in the investigation of Plaintiff's criminal case, and the claims are therefore **DISMISSED WITH PREJUDICE**. Defendant's Motion to Dismiss is **DENIED** as to Plaintiff's claims relating to the taking of his DNA.

IT IS SO ORDERED, this 27th day of January, 2014.

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