

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

MICHAEL TODD

PLAINTIFF

VS.

Civil No. 4:13-cv-4044

HEATH ROSS; SIMONE AIMS;  
OFFICER JOHNSON; SERGEANT ZUMWALT;  
and CAPTAIN GODBOLT

DEFENDANTS

**ORDER**

Before the Court is the Report and Recommendation filed June 13, 2013, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 8). Judge Bryant recommends that Plaintiff's conditions of confinement claim; grievance claim; and all official capacity claims be dismissed. Judge Bryant further recommends that Aimes and Johnson be dismissed from this case.

The parties have not filed objections to the Report and Recommendation, and the time to object has passed.<sup>1</sup> See 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation *in toto*. Plaintiff's conditions of confinement claim; grievance claim; and all official capacity claims are **DISMISSED**. Accordingly, both Aimes and Johnson are dismissed from this action. This leaves for later resolution Plaintiff's due process claims against Heath Ross, Sgt. Zumwalt, and Captain Godbolt in their individual capacities.

**IT IS SO ORDERED**, this 22nd day of July, 2013.

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

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<sup>1</sup>The Report and Recommendation was returned as undeliverable on June 20, 2013. On July 1, 2013, Judge Bryant ordered that the Report and Recommendation be re-sent to a new address that was obtained by the Court. There has been no further notice that the Report and Recommendation sent on July 1 was undeliverable.