

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

MARY NELSON et al.

PLAINTIFF

V.

Civil No. 4:13-cv-4100

P.D. ANTHONY BIDDLE et al.

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed December 12, 2013, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 7). Judge Bryant recommends that Plaintiffs' Motion for Service (ECF No. 2) be denied. On December 19, 2013, Plaintiffs filed objections to Judge Bryant's Report and Recommendation. (ECF No. 8). Subsequently, on March 5, 2014, Plaintiffs filed a supplement to their objections. (ECF No. 9). After reviewing the record *de novo*, the Court adopts Judge Bryant's Report and Recommendation as its own.

In their objections, Plaintiffs argue that the Report and Recommendation misconstrues their complaint. Specifically, Plaintiffs argue that the Report and Recommendation incorrectly assumes that Rodriguez Nelson brings the complaint. Plaintiffs clarify in their objections that they, Rodriguez Nelson's family, bring the suit. Plaintiffs further clarify in their objections that they have suffered injury because Rodriguez Nelson's equal protection and due process rights were violated. However, "[i]n civil rights litigations, one cannot sue over the deprivation of another's civil rights." *Jones v. Lilly*, No. 3:11CV00256, 2011 WL 3715262, at *3 (E.D. Ark. Aug. 23, 2011)(citing *McCabe v. Atchison, Topeka, & Sante Fe Railway Co.*, 235 U.S. 151

(1914)). Thus, because Plaintiffs sue over the deprivation of Rodriguez Nelson's rights, their § 1983 claims fail.

In their supplement to their objections, Plaintiffs offer to the Court a news article from the examiner.com. Plaintiffs argue that article provides evidence why this case should not be dismissed. However, the article only discusses the issues surrounding psychiatric bed shortages. The article does not establish a § 1983 claim.

For the reasons set forth above, the Court overrules Plaintiffs' objections and adopts Judge Bryant's Report and Recommendation. (ECF No. 7). Accordingly, Plaintiff's Motion for Service is **DENIED**, and this case is **DISMISSED**.

IT IS SO ORDERED, this 16th day of April, 2014.

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