

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

TED HAMILTON

PLAINTIFF

V.

CASE NO. 14-CV-4033

SERGEANT BERONICA MAULDIN

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed February 5, 2015, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. ECF No. 16. Judge Bryant recommends that Defendant's Motion to Dismiss (ECF No. 10) be granted. Plaintiff has responded with objections, and the Court has reviewed the objections. ECF No. 17. The Court, being well and sufficiently advised, finds that Plaintiff's objections offer neither law nor fact requiring departure from the Report and Recommendation.¹ After reviewing the record *de novo*, the Court adopts the Report and Recommendation *in toto*.

Accordingly, Defendant's Motion to Dismiss (ECF No. 10) is **GRANTED**, and Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED, this 3rd day of March, 2015.

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

¹In his objections, Plaintiff restates his claim that Defendant Mauldin violated his constitutional rights by denying him a sleeping mat and forcing him to sleep on the concrete floor for eight nights. Plaintiff's general factual allegations are not disputed. Assuming his allegations are true, however, Plaintiff has failed to show that Defendant's conduct constitutes an Eighth Amendment violation. The Court agrees with Judge Bryant's reasoning set forth in the Report and Recommendation.