

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

LARRY MORRIS

PLAINTIFF

v.

Case No. 4:16-cv-4119

JAMES SINGLETON, Sherriff
Hempstead County; CAPTAIN
JOHNNY GODBOLT; LIEUTENANT
HEATH ROSS; SERGEANT MARCI
HARDEMAN; SERGEANT KYLE
MALONE; HEMPSTEAD COUNTY
SHERRIFF'S DEPARTMENT;
HEMPSTEAD COUNTY DETENTION
FACILITY; OFFICER JOSH
PENDERGRASS; OFFICER ALVIS
MILLS; OFFICER MATTHEW
TURBERVILLE; ADVANCED PRACTICE
NURSE JOAN MCCLAIN;
NURSE LAURIE

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed December 22, 2016, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 6). Judge Marschewski recommends that Plaintiff Larry Morris's claims¹ related to grievances and pending state criminal charges be dismissed with prejudice pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i-iii) and 1915A(a) because Plaintiff failed to state cognizable claims under 42 U.S.C. § 1983. Judge Marschewski also recommends that all claims against the

¹ Plaintiff's complaint asserts numerous claims, including denial of adequate medical care, excessive force, denial of access to legal materials, unsanitary prison conditions, retaliation for requesting a § 1983 complaint form, and inadequate access to and responses to grievance forms. Plaintiff also appears to challenge the validity of pending state criminal charges against him arising from an April 2016 incident while detained in the Hempstead County Detention Facility. Finally, Plaintiff requests appointment of counsel in this action.

Hempstead County Sherriff's Department and the Hempstead County Detention Facility be dismissed with prejudice because they are buildings, rather than people, and thus are not subject to suit under § 1983.

Plaintiff has not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation *in toto*. Plaintiff's claims related to grievances, pending state criminal charges, and all claims against the Hempstead County Sherriff's Department and the Hempstead County Detention Facility are **DISMISSED WITH PREJUDICE**. All other claims shall proceed.

IT IS SO ORDERED, this 17th day of January, 2017.

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