

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

ANTHONY SCOTT WHITE

PLAINTIFF

v.

Case No. 4:21-cv-04037

MICHAEL LUSK, Attorney;  
CAPTAIN ADAMS, Miller County  
Detention Center (“MCDC”);  
CORRECTIONS OFFICER SUTTON;  
WARDEN WALKER;  
SERGEANT GOLDEN;  
SERGEANT GUNTHER; and  
K. NOLAND

DEFENDANTS

**ORDER**

Before the Court is the Report and Recommendation filed July 29, 2021, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 28). Judge Bryant recommends the following:

1. all claims against Defendant Lusk be dismissed with prejudice;
2. all official capacity claims against Defendants be dismissed without prejudice;
3. Plaintiff’s claim for failure to protect from sexual assaults by inmates proceed against Defendants Adams, Golden, and Gunther in their individual capacities;
4. Plaintiff’s claims for unclean environment, denial of medical care, and inhumane treatment against Defendants Adams, Golden, and Gunther be dismissed without prejudice for failure to state claims upon which relief may be granted, pursuant to 28 U.S.C. § 1915A;
5. Plaintiff’s claim for excessive force, denial of medical care, due process, equal protection, unclean environment, and inhumane treatment against Defendants Walker,

Noland, Adams, and Sutton be dismissed without prejudice for failure to state claims upon which relief may be granted, pursuant to 28 U.S.C. § 1915A;

6. Plaintiff's claim for denial of medical care and interference with legal mail against Defendant King in his individual capacity proceed; and

7. Plaintiff's claim for theft of invention list and apps against Defendant King be dismissed with prejudice.

No party has filed objections to the Report and Recommendation, and the time to do so has passed. *See* 28 U.S.C. § 636(b)(1). Being well and sufficiently advised and finding no clear error on the face of the record, the Court adopts the Report and Recommendation (ECF No. 28) *in toto*. Accordingly, the Court finds the following:

1. Plaintiff's claims against Defendant Lusk are **DISMISSED WITH PREJUDICE**;

2. Plaintiff's claims against all Defendants in their official capacities are **DISMISSED WITHOUT PREJUDICE**;

3. Plaintiff's claims for unclean environment, denial of medical care, and inhumane treatment against Defendants Adams, Golden, and Gunther are **DISMISSED WITHOUT PREJUDICE**;

4. Plaintiff's claims for excessive force, denial of medical care, due process, equal protection, unclean environment, and inhumane treatment against Defendants Walker, Noland, Adams, and Sutton are **DISMISSED WITHOUT PREJUDICE**;

5. Plaintiff's claim for theft of invention list and apps against Defendant King is **DISMISSED WITH PREJUDICE**.

Plaintiff's claim for failure to protect from sexual assaults by inmates against Defendants Adams, Golden, and Gunther in their individual capacities and Plaintiff's claim for denial of

medical care and interference with legal mail against Defendant King in his individual capacity shall remain for further consideration by Judge Bryant.

**IT IS SO ORDERED**, this 7th day of September, 2021.

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