

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

RONNIE ANTHONY LUNA

PLAINTIFF

v.

Case No. 4:22-cv-04048

SHERIFF ROBERT GENTRY;
JAIL ADMINISTRATOR CHRIS WALCOTT;
JAILER ADRIAN HERNANDEZ; JAILER
ROMONA ARENAS; PROGRAM
COORDINATOR ELEUPERIO HERNANDEZ;
JAILER BARBERA VALENTNE; JAILER
KIMBERLY MCBAIN; JAILER/DEPUTY
ANTHONY IRVIN; JAILER BLAKE REEL;
JAILER/PROGRAM DIR. ANA MEJIA;
JAILER WHITNEY HIGGINS; and NURSE
TAMMY FOWLER

DEFENDANTS

ORDER

Before the Court is a Report and Recommendation issued by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. ECF No. 107. Judge Bryant recommends that Defendant Fowler's Motion for Judgment on the Pleadings (ECF No. 87) be granted in part and denied in part with (1) Plaintiff's Claims One, Four, and Five from his Second Amended Complaint and Plaintiff's Claims One and Two from his Supplement, as they apply to Defendant Fowler, be dismissed for failure to state a claim upon which relief can be granted; (2) all official capacity claims against Defendant Fowler be dismissed for failure to state a claim upon which relief can be granted; and (3) Plaintiff's Claim Three, for denial or delay of medical care, from his Supplement remaining for further litigation.

Plaintiff has not filed an objection to the Report and Recommendation, and the time to do so has passed. *See* 28 U.S.C. § 636(b)(1). Upon review, finding that there is no clear error on the face of the record and that Judge Bryant's reasoning is sound, the Court adopts the Report and

Recommendation (ECF No. 107) *in toto*. Defendant Fowler's Motion for Judgment on the Pleadings (ECF No. 87) is hereby **GRANTED in part and DENIED in part** as follows:

- Plaintiff's Claims One, Four, and Five from his Second Amended Complaint and Plaintiff's Claims One and Two from his Supplement, as they apply to Defendant Fowler, are hereby **DISMISSED WITHOUT PREJUDICE**;
- All official capacity claims against Defendant Fowler are hereby **DISMISSED WITHOUT PREJUDICE**; and
- Plaintiff's Claim Three, for denial or delay of medical care, from his Supplement remains for further litigation.

IT IS SO ORDERED, this 7th day of February, 2024.

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