

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

RICHARD THOMAS MCVAY,
also known as Ricky McVay,
also known as Tommy McVay

PLAINTIFF

v.

Case No. 4:24-cv-04080

OFFICER TREY BAKER, NCDC;
OFFICER WILLIAM STRICKLAND, NCDC;
LIEUTENANT KARREN GHORMLEY, NCDC;
CAPTAIN STEVE OTTWELL, NCDC; OFFICER
PAULA, NCDC; JANE and JOHN DOE; and
MEDICAL STAFF

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed August 8, 2024, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 8). Judge Bryant recommends that Plaintiff Richard Thomas McVay's ("Plaintiff") excessive force claim against Defendants Baker, Strickland, Ghormley, Ottwell, and Paula in their individual capacities proceed. Judge Bryant also recommends that all other claims be dismissed without prejudice and that Defendants Jane Doe, John Doe, and Medical Staff be terminated from this case.

Plaintiff has not responded and the time to do so has passed. *See* 28 U.S.C. § 636(b)(1). Upon review, finding 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. 8) *in toto*. Accordingly, Plaintiff's excessive force claim against Defendants Baker, Strickland, Ghormley, Ottwell, and Paula in their individual capacities may **PROCEED**. All other claims are **DISMISSED WITHOUT PREJUDICE**. Defendants Jane Doe, John Doe, and Medical Staff are hereby **TERMINATED** from this action.

IT IS SO ORDERED, this 25th day of October, 2024.

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