

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

ANTHONY MICHAEL SPEARS

PLAINTIFF

v.

Civil No. 08-5171

DEPUTY HERNANDEZ; SGT. VAUGHN;
SHERIFF KEITH FERGUSON;
DEPUTY STRICKLAND; CAPTAIN
HUNTER PETRAY; LT. CARTER;
DEPUTY LEROY; DEPUTY LOWTHER;
DEPUTY GREEN; SGT. JESSEN;
NURSE MARSHA SMITH; and
DR. JOHN HUSKINS

DEFENDANTS

O R D E R

Now on this 16th day of March, 2010, comes on for consideration **County Defendants' Motion For Summary Judgment** (document #33) and the **Report And Recommendation Of The Magistrate Judge** (document #40), to which no objections have been made. The Court has carefully reviewed said Report And Recommendation, and finds that it is sound in all respects and should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Report And Recommendation Of The Magistrate Judge** is adopted *in toto*.

IT IS FURTHER ORDERED that, for the reasons stated in the **Report And Recommendation Of The Magistrate Judge, County Defendants' Motion For Summary Judgment** (document #33) is **granted in part and denied in part**.

The motion is **denied** insofar as it seeks dismissal of

plaintiff's claim of excessive force as against defendants Hernandez, Strickland, Lowther, Green, and Vaughn, and that claim is remanded to the Magistrate Judge for further proceedings.

The motion is **granted** in all other respects, and all plaintiff's claims are **dismissed** except the excessive force claim. This includes all claims against defendants Ferguson, Petray, Carter, Leroy, Jessen, Smith, and Huskins.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE