

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

NOLAN SIDNEY BIESANZ, JR.

PLAINTIFF

v.

Civil No. 09-5087

SHERIFF KEITH FERGUSON, et al.

DEFENDANTS

O R D E R

Now on this 22nd day of September, 2010, come on for consideration defendants' **Motion For Summary Judgment** (document #19) and the **Magistrate Judge's Report And Recommendation** (document #27), and the Court, having carefully reviewed said Report And Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

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

**IT IS FURTHER ORDERED** that, for the reasons stated in the **Magistrate Judge's Report And Recommendation**, defendants' **Motion For Summary Judgment** (document #19) is **granted in part and denied in part**.

The motion is **granted** insofar as it concerns all plaintiff's claims except those that he was denied adequate dental care and that shampoo was placed in his food.

The motion is **denied** as to those two claims, and the matter is **remanded** to Magistrate Judge Erin Setser for further proceedings.

**IT IS SO ORDERED.**

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