

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

MARCELO VASQUEZ-SANCHEZ

PLAINTIFF

v.

Civil No. 09-5105

DEPUTY PRUITT; DR. HUSKINS;
CAPTAIN HUNTER PETRAY; and
SHERIFF KEITH FERGUSON

DEFENDANTS

O R D E R

Now on this 20th day of September, 2010, come on for consideration defendants' **Motion For Summary Judgment** (document #17) and the **Report And Recommendation Of The Magistrate Judge** (document #25), to which no objections have been made, 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 **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**, defendants' **Motion For Summary Judgment** (document #17) is **granted in part and denied in part**.

The motion is **granted** insofar as it seeks dismissal of plaintiff's claims that defendants Ferguson and Petray are liable in a supervisory capacity for his claims related to the use of excessive force by defendant Pruitt, and those claims are

dismissed with prejudice.

The motion is **denied** in all other respects, and the matters remaining for adjudication are **remanded** to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

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