

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

GEOFFREY NEAL BLAKE

PLAINTIFF

v.

Civil No. 09-5154

CAPTAIN HOLLY; SHERIFF  
FERGUSON; and DR. HUSKINS

DEFENDANTS

O R D E R

NOW on this 24<sup>th</sup> day of September 2010, comes on for consideration the **Report and Recommendation of the Magistrate Judge** (document #35), filed on August 6, 2010, and Defendant's objections thereto (documents #36 & #43).

The Court has reviewed the Report and Recommendation and, being well and sufficiently advised, finds as follows:

1. Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983, alleging that his constitutional rights were violated while he was confined at the Benton County Detention Center. Plaintiff is proceeding *pro se*.

2. Defendants filed a summary judgment motion (document #26), and Plaintiff filed a response (document #34).

3. On August 6, 2010, the Magistrate Judge entered her Report and Recommendation in which she recommended that Defendants' summary judgment motion be granted in part and denied in part. Specifically, the Magistrate Judge recommended that the motion be granted with respect to Plaintiff's claims regarding the conditions

of his confinement, and be denied with respect to his denial of medical care claims.

4. On August 23, 2010, Plaintiff filed a "Motion to Supplement Response to Summary Judgment" with an attached "Motion to File" in which he requested that "the court will allow this matter as a supplement to the original claim . . . ." On the same day, Plaintiff's "Motion to Supplement Response to Summary Judgment" was docketed as an Objection to the Report and Recommendation (document #36).

5. Also on August 23, 2010, Plaintiff filed a motion seeking additional time to respond to the Report and Recommendation and requested a copy of the same. On August 24, 2010, the Court granted Plaintiff's request and directed the Clerk to mail him a copy of the Report and Recommendation (document #41). The Court also ordered that Plaintiff had 14 days from his receipt of the Order to file any objections to the Report and Recommendation.

6. On September 1, 2010, Plaintiff caused to be filed a "Motion to Supplement Response to Summary Judgment" that is identical to document #36, described above. This document was again docketed as an Objection to the Report and Recommendation (document #43). The content of Plaintiff's supplemental response relates to his medical care claims, which are not being dismissed. Plaintiff has filed no other objections to the Report and Recommendation.

7. The Court has carefully reviewed said Report and Recommendation, as well as Plaintiff's supplemental filings, and finds that the Report and Recommendation 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 (document #35) is hereby **adopted in toto**;

**IT IS FURTHER ORDERED** that, for the reasons stated in the Magistrate Judge's Report and Recommendation, Defendant's **Motion for Summary Judgment** (document #26) is hereby **granted** with respect to Plaintiff's claims regarding the conditions of his confinement, and **denied** with respect to Plaintiff's denial of medical care claims.

**IT IS SO ORDERED.**

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