

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

BRIAN D. OWENS

PLAINTIFF

v.

Civil No. 09-5248

CORPORAL T. SCOTT

DEFENDANT

O R D E R

NOW on this 8th day of August 2011, comes on for consideration the **Magistrate Judge's Report and Recommendation** (Doc. 32), to which no objections have been filed. The Court has reviewed the Report and Recommendation and, being well and sufficiently advised, 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 (Doc. 32) 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** (Doc. 25) is hereby **GRANTED IN PART and DENIED IN PART**. Specifically, defendant's motion for summary judgment as to plaintiff's official capacity claims is hereby **GRANTED** and those claims are hereby **DISMISSED**. Defendant's motion for summary judgment as to plaintiff's individual capacity claim for retaliation is hereby **DENIED**.

IT IS SO ORDERED.

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