

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 November, 2012, comes on for consideration the **Report and Recommendation of the Magistrate Judge** (document #71), filed on October 17, 2012, 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 proper and should be adopted in its entirety.

**IT IS THEREFORE ORDERED** that the **Report and Recommendation of the Magistrate Judge** (document #71) is **adopted in toto**.

**IT IS FURTHER ORDERED** that, for the reasons stated in the Report and Recommendation, the defendant's **Second Motion for Summary Judgment** (document #49) is hereby **granted** as to plaintiff's claim for compensatory damages but is **denied** in all other respects. The matter will be set for jury trial under separate order.

**IT IS SO ORDERED.**

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