

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

KARL J. NUNLEY

PLAINTIFF

v.

Civil No. 10-5045

CHIEF OF POLICE HAMILTON,
Rogers Police Department;
CORPORAL JESSIE RAY, Rogers
Police Department; JOSH
TERRELL, Paramedic, Rogers
Fire Department; DAVID
CRAWFORD, K-9 Unit Dog
Handler, Rogers Police
Department

DEFENDANTS

O R D E R

Now on this 15th day of March, 2011, come on for consideration defendants' **Motion To Dismiss** (document #11) and the **Report And Recommendation Of The Magistrate Judge** (document #17), 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 To Dismiss** (document #11) is **granted in part and denied in part**.

The motion is **granted** as to all claims against Chief of Police Hamilton and Josh Terrell and all official capacity claims

against Jessie Ray and David Crawford. The motion is **denied** as to all other claims, and this matter is **remanded** to Magistrate Judge Erin L. Setser for further proceedings.

IT IS SO ORDERED.

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