

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

PHASUNG LU BACCAM

PLAINTIFF

v.

Civil No. 11-5025

SHERIFF KEITH FERGUSON,  
BENTON COUNTY, ARKANSAS

DEFENDANT

O R D E R

Now on this 29th day of January, 2014, come on for consideration defendants' **Motion For Summary Judgment** (document #74); the **Report And Recommendation Of The Magistrate Judge** (document #96); and plaintiff's **Objections** thereto (document #100), and the Court, being well and sufficiently advised, finds and orders as follows:

1. Plaintiff Phasung Lu Baccam complains that defendants violated the Americans with Disabilities Act by not providing him with a shower chair while he was incarcerated at the Benton County Detention Center ("BCDC"). The only relief he seeks is that the Court require such a chair to be installed.

2. Defendants move for summary judgment, contending, among other things, that the claim is moot because Baccam is no longer incarcerated at BCDC.

3. Magistrate Judge Erin L. Setser issued the R&R now under consideration, reporting that a claim for injunctive relief to improve prison conditions becomes moot when the inmate is no longer in the facility where the conditions exist, and that Baccam is no longer incarcerated at BCDC. As a result, Judge Setser

recommends that Baccam's claim be denied.

4. Baccam objects to the R&R, but his objections go to the merits of his claim. He does not address the issue of mootness, as to which the Court finds the R&R sound. The Court will, therefore, overrule Baccam's Objections.

5. The Court finds the R&R sound in all respects, and it will be adopted in toto. As a result, defendants' Motion For Summary Judgment will be granted, and Baccam's claims will be dismissed with prejudice.

**IT IS THEREFORE ORDERED** that the **Report And Recommendation Of The Magistrate Judge** (document #96) is **adopted in toto**.

**IT IS FURTHER ORDERED** that Baccam's **Objections** (document #100) are **overruled**.

**IT IS FURTHER ORDERED** that, for the reasons stated in the **Report And Recommendation Of The Magistrate Judge**, defendants' **Motion For Summary Judgment** (document #74) is **granted**, and plaintiff's claims are **dismissed with prejudice**.

**IT IS SO ORDERED.**

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