

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

CHRIS STOWELL

PLAINTIFF

v.

Civil No. 12-5125

DEPUTY LONG

DEFENDANT

O R D E R

Now on this 4th day of December, 2013, come on for consideration defendant's **Second/Renewed Motion For Partial Dismissal** (document #26) and the **Report And Recommendation Of The Magistrate Judge** (document #34). Neither party has filed objections to the Report And Recommendation, and the Court, having carefully reviewed it, finds it sound in all respects, and finds 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**, defendant's **Second/Renewed Motion For Partial Dismissal** (document #26) is **granted in part and denied in part**.

The motion is **granted** insofar as it seeks dismissal of plaintiff's claims against defendant in his official capacity, and those claims are **dismissed with prejudice**.

The motion is **denied** in all other respect.

IT IS FURTHER ORDERED that this matter is **remanded** to United

States Magistrate Judge Erin L. Setser for further proceedings.

IT IS SO ORDERED.

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