

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

GUY F. HAYS, JR.

PLAINTIFF

v.

Case No. 5:13-CV-05044

DR. HOWARD; CORPORAL SHARP; JAILER  
A. MOBBS; JAILER A. SMITH; NURSE  
VICKERY; and NURSE RHONDA BRADLEY

DEFENDANTS

**ORDER**

Currently before the Court is the report and recommendation (Doc. 34) filed in this case on January 29, 2014, by the Honorable Erin L. Setser, United States Magistrate for the Western District of Arkansas. The time for filing objections has passed with no objections having been filed by any party.

The Court has reviewed this case and, being well and sufficiently advised, finds as follows: the Report and Recommendation is proper and should be and hereby is ADOPTED IN ITS ENTIRETY. Accordingly, for the reasons stated in the Magistrate's report and recommendation, Defendants' motions to dismiss (Docs. 16 and 28) are GRANTED IN PART AND DENIED IN PART. The motions are granted insofar as all claims against Defendants in their official capacities are DISMISSED WITHOUT PREJUDICE for failure to state a claim. The motions are denied in regard to Plaintiff's claims against Defendants in their individual capacities.

The Clerk is directed to send Plaintiff a form complaint. Plaintiff is directed to file an amended complaint, using the form, by no later than Friday, March 21, 2014. In amending his complaint, Plaintiff is directed to identify or describe any action or inaction by each specific Defendant, individually, that he feels violated his rights.

Failure of Plaintiff to timely file a properly amended complaint may result in dismissal of his

action for failure to follow a court order and/or for failure to state a claim.

IT IS SO ORDERED this 27th day of February, 2014.

*/s/ P. K. Holmes, III*

P.K. HOLMES, III  
CHIEF U.S. DISTRICT JUDGE