

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

REGINALD GRIGGS

PLAINTIFF

v.

Civil No. 13-5133

OFFICER LIVERMORE, Washington  
County Detention Center

DEFENDANT

O R D E R

Now on this 13th day of March, 2014, come on for consideration defendant's **Motion To Dismiss** (document #14) and the **Report And Recommendation Of The Magistrate Judge** (document #22), 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** (document #22) is **adopted in toto**.

**IT IS FURTHER ORDERED** that, for the reasons stated in the **Report And Recommendation Of The Magistrate Judge**, defendant's **Motion To Dismiss** (document #14) is **granted in part and denied in part**. The motion is **granted** as to plaintiff's official capacity claim against defendant, and that claim is **dismissed**. The motion is **denied** as to plaintiff's individual claim against defendant, and that claim 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