

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

MONTIE L. SPURGEON

PLAINTIFF

v.

Case No. 5:13-CV-05289

SGT. MUGGEY; CPL. SORREL; DEPUTY
MCGUAL; and CORPORAL MULVANEY

DEFENDANTS

ORDER

Currently before the Court are the proposed findings and recommendations (Doc. 33) filed in this case on July 3, 2014, by the Honorable Erin L. Setser, United States Magistrate Judge for the Western District of Arkansas. The time for filing objections has passed, and no objections have been filed by any party.

The Court has reviewed this case and finds that the report and recommendation is proper, contains no clear error, and should be and hereby is ADOPTED IN ITS ENTIRETY. Accordingly, for the reasons stated in the Magistrate's report and recommendations, IT IS ORDERED that Defendants' motions to dismiss (Docs. 16 and 25) are GRANTED IN PART and DENIED IN PART. The motions are GRANTED insofar as all official capacity claims, claims that Plaintiff was publicly humiliated, and claims based on failure to file charges against Robert Randall are DISMISSED WITH PREJUDICE. The motions are DENIED as to Plaintiff's failure-to-protect claims and Defendants' assertions that they are entitled to qualified immunity on such claims.

IT IS SO ORDERED this 31st day of July, 2014.

P. K. Holmes, III

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