

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

DAYTRA LASHAWN KING

PLAINTIFF

V.

CASE NO. 5:14-CV-5083

SERGEANT ARNOLD; SERGEANT WHITTINGTON;
LIEUTENANT CAMBRON; CORPORAL JENNINGS;
WASHINGTON COUNTY, ARKANSAS; and
SHERIFF TIM HELDER

DEFENDANTS

ORDER

Comes on for consideration the Report and Recommendation (Doc. 46) filed in this case on May 26, 2015, by the Honorable Erin L. Setser, United States Magistrate for the Western District of Arkansas. Fourteen (14) days have passed without objections being filed by the parties.

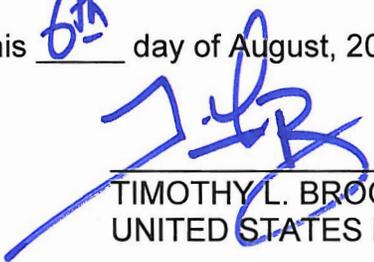
The Court has reviewed this case and, being well and sufficiently advised, finds as follows: the Report and Recommendation is proper and should be and hereby is **ADOPTED IN ITS ENTIRETY**. Accordingly, for the reasons stated in the Magistrate Judge's Report and Recommendation, Defendants' Motion for Summary Judgment (Doc. 29) is **GRANTED IN PART** and **DENIED IN PART**.

The Motion is **GRANTED** as to the following claims, which are **DISMISSED WITHOUT PREJUDICE**: (1) Plaintiff's claim regarding the smoke alarms, the mold, and insect problems; (2) Plaintiff's claim about racial slurs, harassment, and the failure of Defendants to protect her from Griffin; (3) the retaliation claim; (4) the inadequate grievance procedure claim; (5) the discrimination claim; (6) the exposure to AIDS claim;

(7) all official capacity claims; and (8) all individual capacity claims against Sheriff Helder. This dismisses all claims asserted against Sheriff Helder, Sergeant Arnold, Lieutenant Cambron, and Corporal Jennings.

The Motion is **DENIED** with respect to the Plaintiff's claim that Sergeant Whittington used excessive force against her. This claim will be set for trial by separate order.

IT IS SO ORDERED on this 6th day of August, 2015.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE