

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

MARK T. MORRIS

PLAINTIFF

v.

Case No. 5:14-CV-05096

SHERIFF KELLEY CRADDUCK; NURSE DARLA  
WATSON; and SILOAM SPRINGS HOSPITAL

DEFENDANTS

**ORDER**

Currently before the Court are the findings and recommendations (Doc. 41) of the Magistrate. Also before the Court are Plaintiff Mark T. Morris's timely filed objections (Doc. 44). Defendants did not object to the Magistrate's report and did not respond to Morris's objections. For the reasons stated below, the Court adopts the Magistrate's recommendations in part.

The Magistrate recommends granting in part and denying in part Defendants' pending motions to dismiss (Docs. 13, 22). The Magistrate recommends dismissing all individual capacity claims against Sheriff Kelley Craddock but denying the motions to dismiss in all other respects. In his objections, Morris sets forth new allegations in support of his individual claims against Craddock, and the Court finds that the new allegations are sufficient to support an individual capacity claim. As "[t]he court should freely give leave [to amend] when justice so requires," Fed. R. Civ. P. 15(a)(2), Morris will be given an opportunity to amend his complaint to include his claims against Craddock.

IT IS THEREFORE ORDERED that the Court ADOPTS IN PART the Magistrate's findings and recommendations (Doc. 41) as set forth above. The Court declines to adopt the recommendation that Plaintiff's individual capacity claims against Defendant Sheriff Kelley Craddock be dismissed,

but adopts the recommendation insofar as Defendants' motions to dismiss (Docs. 13, 22) are DENIED.

**Plaintiff is directed to file an amended complaint to include his newly raised claims against Sheriff Craddock. Plaintiff is advised that his amended complaint will take the place of any prior complaints or supplements, and therefore ALL claims that Plaintiff wishes to bring should be stated in the amended complaint.** Plaintiff is further advised that any claims previously alleged but not set forth in the amended complaint will be presumed to have been abandoned. Plaintiff is advised to file his amended complaint by no later than **July 17, 2015**. If no amended complaint is properly and timely filed, the current complaint will remain the operative complaint and all individual capacity claims against Sheriff Craddock will be dismissed.

IT IS SO ORDERED this 25th day of June, 2015.

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