

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

JIMMY DWAYNE RUSSELL

PLAINTIFF

v.

Case No. 5:14-CV-05168

SHERIFF TIM HELDER; and
DR. NEIL MULLINS

DEFENDANTS

ORDER

Currently before the Court are the findings and recommendation (Doc. 74) of the Honorable Erin L. Setser, United States Magistrate Judge for the Western District of Arkansas. The Magistrate Judge conducted a hearing on December 3, 2015 to allow Plaintiff to testify in response to Defendants' motion for summary judgment, and conducted a supplemental hearing on January 7, 2016. No objections have been filed.

After careful review, the Court finds that the Magistrate's report contains no clear error and that the findings and recommendations should be, and hereby are, approved and adopted as this Court's findings in all respects. The Magistrate Judge's report makes extensive findings of fact concerning Plaintiff's claim of denial of adequate medical care. While the medical care provided by the Defendants to the Plaintiff may have been deficient, it does not rise to a level of deliberate indifference under constitutional standards that would subject the Defendants to liability. Furthermore, Defendant Mullins is entitled to qualified immunity. The Court agrees with the conclusions of law in the report and recommendation, and hereby adopts the report and recommendation in its entirety.

Accordingly, IT IS ORDERED that Defendants' motion for summary judgment (Doc. 55) is GRANTED, and Plaintiff's claims are DISMISSED WITH PREJUDICE.

Judgment will be entered accordingly.

IT IS SO ORDERED this 27th day of September, 2016.

P. K. Holmes, III

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