

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

**ERIC PONDER**

**PLAINTIFF**

**V.**

**CASE NO. 5:15-CV-5022**

**SHERIFF KELLY CRADDUCK;  
CATERING BY MARLINS; CAROLYN  
ELLIS; SERGEANT SHARP; and  
SERGEANT COGDILL**

**DEFENDANTS**

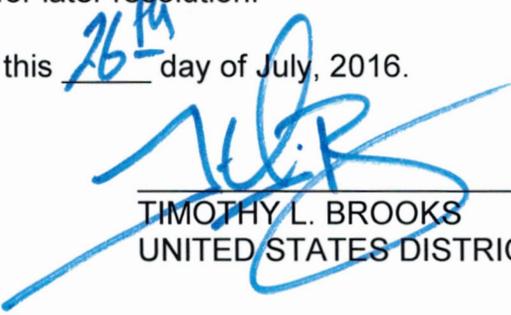
**ORDER**

Comes on for consideration the Report and Recommendation (Doc. 53) filed in this case on June 14, 2016, by the Honorable Mark E. Ford, United States Magistrate Judge 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, (1) the Summary Judgment Motion filed by the Benton County Defendants (Doc. 36) is **GRANTED IN PART AND DENIED IN PART**. Specifically, it should be granted with respect to all claims against Sergeant Cogbill and all individual capacity claims against Sheriff Cradduck and Sergeant Sharp. The official capacity claims against Sheriff Cradduck and Sergeant Sharp remain for later resolution; and, (2) the Summary Judgment Motion filed by CBM (Doc. 39) is **GRANTED IN PART**

**AND DENIED IN PART.** Specifically, all individual liability claims should be dismissed. The official capacity claims remain for later resolution.

**IT IS SO ORDERED** on this 26<sup>th</sup> day of July, 2016.



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TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE