

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

**MANUEL PATRICK CAMARILLO**

**PLAINTIFF**

**V.**

**CASE NO. 5:15-CV-5282**

**SERGEANT KILPATRICK; and  
DEPUTY ADRIAN RIVERO**

**DEFENDANTS**

**ORDER**

Now pending before the Court is the Report and Recommendation (Doc. 21) filed in this case on February 23, 2017, 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, Defendants' Motion for Summary Judgment (Doc. 15) is **GRANTED IN PART and DENIED IN PART**. The claims against Deputy Rivero stemming from his actions in D pod should be dismissed. Further, all official capacity claims should be dismissed. This leaves for later resolution: (1) the individual capacity claims against Deputy Rivero stemming from his actions in B pod control and his actions occurring during his escort of Plaintiff to E pod on November 1, 2015; and, (2) the individual capacity claims against Sergeant Kilpatrick stemming from the June 11, 2015 incident. This matter will be set for trial.

The Clerk of Court is directed to mail copies of this Order and the Magistrate Judge's Report and Recommendation (Doc. 21) to Plaintiff Camarillo at his address of record.

IT IS SO ORDERED on this 27<sup>th</sup> day of April, 2017.



---

TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE