

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

CHARLES DEAN GARNER

PLAINTIFF

v.

Case No. 08-6031

SHERIFF LARRY SANDERS
and SGT. ANSLEY

DEFENDANTS

ORDER

Now on this 4th day of September 2009, there comes on for consideration the report and recommendation filed herein on July 20, 2009, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 31). Also before the Court are written objections to the report and recommendation filed by both Plaintiff and Defendants. (Docs. 34 & 37).

The court has reviewed this case *de novo* 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. The Court has reviewed the additional medication ledgers submitted by Defendants, however, Plaintiff denies he received all of the medication as noted, and Sgt. Ansley was also involved in the decision to not seek medical attention for Plaintiff following his fall. Accordingly, Plaintiff's claim of unconstitutional conditions of confinement is DISMISSED WITH PREJUDICE. Further, Plaintiff's claim for denial of medical care against Sheriff Sanders is DISMISSED WITH PREJUDICE, and Sheriff Sanders is

dismissed as a defendant. This matter will proceed with Plaintiff's denial of medical care claim against Sgt. Ansley.

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge