

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

STEVEN D. CODY

PLAINTIFF

v.

No. 09-6026

JAQUEINE NEWBORN, et al.

DEFENDANTS

ORDER

Now on this 19th day of September 2011, there comes on for consideration the report and recommendation filed herein on August 25, 2011, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 71). Also before the Court are Plaintiff's written objections to the report and recommendation (Doc. 74).

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. Accordingly, Defendants' Motion for Summary Judgment (doc. 56) is GRANTED IN PART AND DENIED IN PART. The motion is GRANTED as to Plaintiff's failure to protect claims, and these claims are DISMISSED WITH PREJUDICE. The motion is DENIED as to Plaintiff's unconstitutional conditions of confinement claims. The issue of whether this case should be consolidated with Plaintiff's two other pending cases will be addressed in a separate order.

IT IS SO ORDERED.

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