

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

ALAN COLE ONSTAD

PLAINTIFF

vs.

Civil No. 6:12-CV-6020

DEPUTY JACK NARON;
DEPUTY TRAVIS HILL; and
SHERIFF PRESTON "PEP" GLENN

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed August 15, 2014, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. ECF No. 50. Judge Marschewski recommends that Defendant's Motion for Summary Judgment (ECF No. 33) be granted in part and denied in part. Further Judge Marschewski recommends that Plaintiff's Motion for Summary Judgment (ECF No. 45) be denied. No party has filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1)(C).

Upon review, the Court adopts the Report and Recommendation *in toto*. Defendants' Motion for Summary Judgment (ECF No. 33) is **GRANTED IN PART and DENIED IN PART**. Specifically, Defendants' motions should be granted as to the following claims: (1) all official capacity claims; (2) all claims against Hill; (3) the excessive force claim against Naron; and (4) the deprivation of property claim. Further, Sheriff Glenn is dismissed from this case. Defendant's summary judgment motion is denied as to Plaintiff's due process claim stemming from his time spent in segregation. Defendants are directed to file a supplemental motion for summary judgment with respect to the due process claim. Plaintiff's Motion for Summary Judgment (ECF No. 45) is **DENIED**.

IT IS SO ORDERED, this 8th day of September, 2014.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge