

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

JAMES MASON

PLAINTIFF

v.

Case No. 6:13-cv-6110

CORIZON, INC.;  
ARIC SIMMONS, APN; and  
WANETTA CLOWERS, APN

DEFENDANTS

**ORDER**

Before the Court is the Report and Recommendation filed December 17, 2015 by the Honorable Mark E. Ford, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 71). Judge Ford recommends that Defendants' Motion for Summary Judgment (ECF No. 43) be denied and that Plaintiff's Amended Motion for Appointment of Counsel (ECF No. 66) be granted. Defendants have responded with timely objections. (ECF No. 72).

Defendants have filed their objections solely for the purpose of clarifying the record as to their position on two issues. Defendants' clarifications offer no new law or fact requiring departure from Judge Ford's Report and Recommendation.

After reviewing the record, the Court adopts the Report and Recommendation *in toto*. Accordingly, Defendants' Motion for Summary Judgment (ECF No. 43) should be and hereby is **DENIED**.

The Report and Recommendation also recommended that Defendant's Amended Motion for Appointment of Counsel (ECF No. 66) be granted. However, on January 4, 2016, the Court received a Suggestion of Death from Defendants notifying the Court that Plaintiff had passed away on January 1, 2016. (ECF No. 73). Accordingly, Plaintiff's Amended Motion for Appointment of Counsel (ECF No. 66) is hereby **DENIED AS MOOT**.

IT IS SO ORDERED, this 7th day of March, 2016.

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