

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

SYLVESTER O. BARBEE

PLAINTIFF

V.

Civil No. 14-6082

LISBETH ANNE MURPHY, individually  
and as Doctor, Ouachita River  
Correction Unit; WENDY KELLEY,  
individually and as Director of  
Health & Correctional Programs,  
Central Office ADC; and MARIE LANE,  
individually and as a Corizon employee,  
Ouachita River Correctional Unit

DEFENDANTS

O R D E R

On this 16th day of September 2015, there comes on for consideration the report and recommendation filed in this case on June 25, 2015, by the Honorable Mark E. Ford, United States Magistrate for the Western District of Arkansas. (Doc. 30). Also before the Court are Separate Defendant Wendy Kelley's objections (doc. 31) and Plaintiff's Response thereto (doc. 35).

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, Separate Defendant Kelley's Motion to Dismiss (doc. 11) is GRANTED IN PART AND DENIED IN PART. The motion (doc. 11) is GRANTED as to Plaintiff's claims against Kelley in her official capacity, and those claims are DISMISSED

WITHOUT PREJUDICE. The motion (doc. 11) is DENIED as to  
Plaintiff's individual capacity medical care claim.

IT IS SO ORDERED.

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