

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

PAUL DAVID WESTFALL

PLAINTIFF

v.

Case No. 6:14-cv-06110

STEVEN OLIVER, MARK CHAMBERLIN,
RAY HOBBS, SARA HANDY, DALE REED, and
GAYLON LAY

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed by Judge Mark E. Ford, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 41). Judge Ford recommends that the court grant Defendants' Motions to Dismiss (ECF Nos. 14, 18). Plaintiff has filed objections. (ECF No. 42). The Court finds this matter ripe for its consideration.

Plaintiff filed his Complaint against Mark Chamberlin and Sarah Haney ("County Defendants"); Ray Hobbs, Dale Reed, and Gaylon Lay ("ADC Defendants"); Steven Oliver; and other Defendants who have previously been dismissed from this lawsuit. The County Defendants and the ADC Defendants have filed Motions to Dismiss. In Plaintiff's Complaint, he alleges that the County Defendants and ADC Defendants did not obtain certain medical records and did not provide medication as prescribed to him, thereby violating his constitutional rights. (ECF No. 1). Judge Ford recommends a finding that Plaintiff's official capacity claims against the ADC Defendants are barred by sovereign immunity, his official capacity claims against the County Defendants fail as a matter of law for failure to allege a policy or custom, and his personal capacity claims against all Defendants fail as a matter of law because a claim for deprivation of a constitutional right cannot be based on a respondeat superior theory of liability.

Though Plaintiff timely filed objections, the objections are not directly responsive to the Report and Recommendation and raise no specific objections for the Court to consider. Accordingly,

the Court overrules Plaintiff's objections. The Report and Recommendation (ECF No. 41) is adopted *in toto*. Defendants' Motions to Dismiss (ECF Nos. 14, 18) are **GRANTED**. Plaintiff's Complaint against these Defendants is DISMISSED WITH PREJUDICE. Plaintiff's claim against Defendant Oliver remains for further consideration.

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

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