

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

ROBERT LEE ANDERSON

PLAINTIFF

VS.

Civil No. 15-cv-6054

CORPORAL GRAVES

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed July 20, 2016, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 21). Judge Bryant recommends that Defendant's Motion to Dismiss (ECF No. 18) be granted and that Plaintiff's Complaint against Defendant be dismissed with prejudice. The parties have not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation. Defendant's Motion to Dismiss (ECF No. 18) is hereby **GRANTED**, and Plaintiff's claims are **DISMISSED WITHOUT PREJUDICE**.¹

IT IS SO ORDERED, this 9th day of August, 2016.

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

¹Upon review of the Report and Recommendation, the Court finds that a dismissal without prejudice is more appropriate than a dismissal with prejudice. The Report and Recommendation states that Plaintiff has failed to include custom or policy allegations that would support an official capacity claim. This is a deficiency that could be corrected in a later complaint.