

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

CHARLES SAMUEL JOHNSON, JR.

PLAINTIFF

v.

Civil No. 6:20-cv-06018

MAJOR ANDREW RUH; DEPUTY WARDEN WHITE;  
and SERGEANT HARRISON

DEFENDANTS

**ORDER**

Now before the Court is the Report and Recommendation filed September 30, 2020, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 24.) Plaintiff proceeds in this section 42 U.S.C. §1983 action *pro se* and *in forma pauperis*. After considering the Defendants' Renewed Motion to Dismiss (ECF No. 21), Judge Bryant recommends that the motion be granted with respect to Plaintiff's official capacity claims and that the motion should be denied in all other respects.

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). Upon review, the Court adopts the Report and Recommendation *in toto*.

Accordingly, the Court makes its ORDER as follows:

1. The Renewed Motion to Dismiss (ECF No. 21) is GRANTED IN PART and Plaintiff's official capacity claims are hereby dismissed;
2. the motion is DENIED IN ALL OTHER RESPECTS; and
3. Plaintiff's individual capacity claims remain before the Court.

**IT IS SO ORDERED** this 5th day of November 2020.

/s/Robert T. Dawson

ROBERT T. DAWSON  
SENIOR U.S. DISTRICT JUDGE