

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
ARKANSAS, HOT SPRINGS DIVISION

David Haskell Green v. Dr. Guy Henry; RN Shirley Champon
(Director of Nursing); RN Darrel Bassham (H.S.A. Rep.)

Green v. Henry · No. 6:24-cv-6135 · Decided January 12, 2026

SUMMARY

The court adopted a magistrate judge’s Report and Recommendation and dismissed with prejudice David Haskell Green’s claims against employees of Wellpath, LLC. The court held that Green had not shown that he opted out of third-party releases under Wellpath’s confirmed bankruptcy reorganization plan and found no clear error in the recommendation.

CASE DETAILS

COURT	United States District Court for the Western District of Arkansas, Hot Springs Division
WRITING FOR THE COURT	Susan O. Hickey
JURISDICTION	United States District Court for the Western District of Arkansas, Hot Springs Division
DECIDED	January 12, 2026
DOCKET	6:24-cv-6135
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal with prejudice after the plaintiff failed to show that he had opted out of third-party releases contained in Wellpath's bankruptcy reorganization plan.
STANDARD OF REVIEW	Clear-error review applies to portions of a magistrate judge's Report and Recommendation to which no specific objection is made; a specific objection is required to trigger de novo review.
PRECEDENTIAL VALUE	Unknown
PARTIES	David Haskell Green v. Dr. Guy Henry, RN Shirley Champon (Director of Nursing), RN Darrel Bassham (H.S.A. Rep.)

TOPICS

prisoners rights

civil rights

bankruptcy

civil procedure

PRACTICE AREAS

civil procedure

bankruptcy

prisoner civil rights

QUESTIONS PRESENTED

1. Whether the district court should review the magistrate judge's Report and Recommendation for clear error rather than de novo because the plaintiff did not specifically object to the recommendation's opt-out analysis.
2. Whether the plaintiff's claims against the Wellpath employees should be dismissed with prejudice for failure to demonstrate that he opted out of the third-party releases in Wellpath's confirmed bankruptcy reorganization plan.

HOLDINGS

1. When a party does not specifically object to a magistrate judge's analysis, the district court need review the Report and Recommendation only for clear error rather than de novo.
2. The plaintiff's claims against the Wellpath employees were dismissed with prejudice because he failed to show that he had opted out of the third-party releases required by the confirmed bankruptcy reorganization plan.

KEY QUOTATIONS

"Without a specific objection to Judge Ford's analysis, the Court need only review the R&R for clear error."
(at 2)

"Upon review, finding no clear error on the face of the record and that Judge Ford's reasoning is sound, the Court adopts the R&R (ECF No. 13) in toto." (at 2)

"Accordingly, Plaintiff's claims against Defendants are hereby DISMISSED WITH PREJUDICE." (at 2)

FACTUAL BACKGROUND

Green asserted claims against employees of Wellpath, LLC, concerning alleged denial of medical care while he was detained at the Ouachita County River Unit of the Arkansas Division of Correction. Wellpath entered bankruptcy, and the bankruptcy court confirmed a reorganization plan that required claimants to opt out of third-party releases to maintain claims against Wellpath employees. After being directed to provide proof or an explanation of an opt-out, Green did not do so.

PROCEDURAL HISTORY

Magistrate Judge Mark E. Ford issued a Report and Recommendation recommending dismissal with prejudice of all claims against the defendants. The plaintiff timely objected, but his objection addressed the initial bankruptcy stay and the alleged role of Wellpath policies in denying medical care rather than the failure to opt out of the

third-party releases. The district court therefore reviewed the recommendation for clear error, adopted it in full, and dismissed the claims with prejudice.

DISPOSITION

dismissed

CASES CITED

- Thompson v. Nix, 897 F.2d 356, 357-58 (8th Cir. 1990)
- In re Wellpath Holdings, Inc., No. 24-90533 (Bankr. S.D. Tex.)
- Wellpath SF Holdco, LLC, Case No. 24-90566 (ARP)

OPINION

IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF ARKANSAS HOT SPRINGS DIVISION DAVID HASKELL GREEN PLAINTIFF v. Case No. 6:24-cv-6135 DR. GUY HENRY; RN SHIRLEY CHAMPON (Director of Nursing); RN DARREL BASSHAM (H.S.A. Rep.) DEFENDANTS ORDER Before the Court is a Report and Recommendation (“R&R”) issued by the Honorable Mark E. Ford, United States Magistrate Judge for the Western District of Arkansas.

ECF No. 13. Judge Ford recommends that all of Plaintiff’s claims against Defendant be dismissed with prejudice. Judge Ford explains that the Defendants are all employees of Wellpath, LLC (“Wellpath”) which recently declared bankruptcy¹ and that the bankruptcy court confirmed a Plan of Reorganization OF (“Plan”) in May 2025. Judge Ford then notes that part of that Plan required Plaintiff to opt-out of the third-party releases in the Plan to sustain his claims against Defendants as Wellpath employees.

Further noting that Plaintiff did not provide proof or explanation of any such opt-out when directed (ECF Nos. 11 & 12) and that he is not listed as one of the pro se parties in the case in which all pro se filings against third parties are now docketed², Judge Ford determines that Plaintiff has 1F failed to show that he has opted out of the third-party releases and thus his claims against these Defendants should be dismissed with prejudice.

Plaintiff filed a timely objection. ECF No. 14. However, Plaintiff does not address his failure to opt out of the third-party release for Wellpath employees. Rather, he focuses on his belief that the initial stay of this matter because of Wellpath’s bankruptcy proceedings was in error ¹ In re Wellpath Holdings, Inc., No. 24-90533 (Bankr. S.D. Tx.). ² Wellpath SF Holdco, LLC, Case No. 24-90566 (ARP). and that Wellpath’s policies should be held to account for their alleged role in denying him medical care while detained in the Ouachita Country River Unit of the Arkansas Division of Correction.

Without a specific objection to Judge Ford's analysis, the Court need only review the R&R for clear error. See *Thompson v. Nix*, 897 F.2d 356, 357-58 (8th Cir. 1990) (noting that a specific objection is necessary to require a de novo review of a magistrate's recommendation instead of a review for clear error). Upon review, finding no clear error on the face of the record and that Judge Ford's reasoning is sound, the Court adopts the R&R (ECF No. 13) in toto.

Accordingly, Plaintiff's claims against Defendants are hereby DISMISSED WITH PREJUDICE. IT IS SO ORDERED, this 12th day of January, 2026. /s/ Susan O. Hickey Susan O. Hickey United States District Judge