

**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.

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