

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
HELENA DIVISION**

WESLEY HESTER  
ADC #129029

PLAINTIFF

V.

NO: 2:08CV00123 JMM

LARRY NORRIS *et al.*

DEFENDANTS

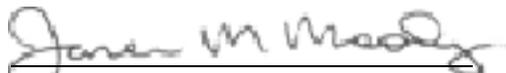
**ORDER**

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge H. David Young, and the objections filed. After carefully considering the objections and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

Also pending before the Court is plaintiff's motion for attorney and filing fees (#103). Plaintiff's motion for attorney's fees filed pursuant to Federal Rule of Civil Procedure 54 is denied as plaintiff is not an attorney. Plaintiff's motion for \$350.00 in filing fees is granted.<sup>1</sup> *See* 28 U.S.C. § 1920.

IT IS THEREFORE ORDERED THAT Plaintiff is awarded \$360.00 against Defendant Brenda Kirksey only, on plaintiff's claim that she failed to protect him from another inmate's assault and for plaintiff's filing fees.

DATED this 8 day of May, 2009.

  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Plaintiff did not file a bill of costs or affidavit as required by 28 U.S.C. § 1920 and § 1924, however the Court will take judicial notice that the docket sheet reflects that by Order of the Court the amount of the filing fee was \$350.00 and that this amount is being withheld from plaintiff's institutional account.