

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

**GERARDO HERNANDEZ,
REG. #11205-031**

PLAINTIFF

v.

CASE NO. 2:09cv00134 BSM

UNITED STATES OF AMERICA

DEFENDANT

ORDER

The proposed findings and recommendations submitted by United States Magistrate Judge Jerome T. Kearney and the filed objections have been reviewed. After carefully considering these documents and making a *de novo* review of the record, it is concluded that the proposed findings and recommendations should be, and hereby are, rejected.

In his objections, plaintiff Gerardo Hernandez (“Hernandez”) states that he did not receive notice that his motion for extension of time to file a response was granted. For this reason the proposed findings and recommendations are rejected. Hernandez shall file a response to defendant’s motion to dismiss within thirty days of this order.

IT IS SO ORDERED this 13th day of October, 2010.



UNITED STATES DISTRICT JUDGE