

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

MICHAEL R. FURLOUGH

PLAINTIFF

VS.

CASE NO. 2:09CV00170 JMM

APRIL BRANDON

SGT., EAST ARKANSAS REGIONAL UNIT, ADC

DEFENDANT

ORDER

On November 24, 2009, Magistrate Judge J. Thomas Ray submitted to the Court Proposed Findings and Recommended Disposition in which he stated that plaintiff's 42 U.S.C. § 1983 complaint failed to state a claim on which relief could be granted and that it should be dismissed with prejudice. Plaintiff was given eleven days from the date of the Order to file objections to the Magistrate Judge's findings and recommendations. As of December 15, 2009, plaintiff had failed to file any objections. On that same date the Court adopted the Proposed Findings and Recommended Disposition and dismissed plaintiff's complaint with prejudice.

On December 16 and 18, 2009, plaintiff filed objections to the Magistrate Judge's findings and recommendations, and on December 23, 2009, filed a Motion for Reconsideration contending that he had filed timely objections and asked that the Court reconsider its decision based upon these objections to dismiss his complaint with prejudice.

There is no need to decide if plaintiff's objections were timely or untimely filed. The Court has reviewed the objections and finds that they are without merit for the same reasons stated in the Magistrate Judge's November, 24, 2009 Proposed Findings and Recommended Disposition. The Court's December 15, 2009 Order and Judgment remain the decisions of the Court and the Motion for Reconsideration (#12) is denied.

IT IS SO ORDERED THIS 30 day of December, 2009.



James M. Moody
United States District Judge