

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

TYRONE PORTER

PLAINTIFF

v.

NO. 3:08CV00059 SWW/HDY

CRITTENDEN COUNTY DETENTION FACILITY,
SUPERVISOR HALL, OFFICER SMITH, and
ADMINISTRATOR ZANE

DEFENDANTS

ORDER

The Court has received findings and a recommendation from Magistrate Judge H. David Young. After a careful review of the findings and recommendation, the timely objections received thereto, and a de novo review of the record in this proceeding, the Court concludes that the findings and recommendation should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.¹ Thus, the Court orders the following:

¹ The Magistrate Judge's findings and recommendation was entered on May 12, 2009 [doc.#63]. On May 15, 2009, the Clerk of Court received and filed from plaintiff a response to defendants' motion for summary judgment, an affidavit in support of response to defendants' motion for summary judgment, a request for admissions, and a letter to the Court detailing plaintiff's experiences with the West Memphis, Arkansas, legal system. Given the date these documents were received by the Clerk of Court, it is doubtful they were specifically prepared in response to the Magistrate Judge's findings and recommendation. To the extent they were so prepared and are intended to constitute the plaintiff's objections to the Magistrate Judge's findings and recommendation (no other objections have been received), the Court has considered the record and nevertheless concludes that the findings and recommendation should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

(1) the motion for summary judgment filed by defendants Supervisor Hall, Officer Smith, and Administrator Zane, a/k/a Zane Boyd, is granted, and they are dismissed from this proceeding;

(2) judgment is not entered at this time so as to allow plaintiff Tyrone Porter (“Porter”) an opportunity to pursue a possible claim against Officer Bailey Phillips; and

(3) Porter is given thirty days from the date of this Order to amend his complaint and join Officer Bailey Phillips as a party to this proceeding.

IT IS SO ORDERED this 9th day of June 2009.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE