

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

NATHANIEL L. FITZGERALD

PLAINTIFF

V.

CASE NO. 3:09CV00065 SWW-BD

DICK BUSBY, *et al.*

DEFENDANTS

ORDER

The Court has received the Partial Recommended Disposition from Magistrate Judge Beth Deere. The parties have not filed objections. After careful review of the Partial Recommended Disposition, as well as a *de novo* review of the record, the Court concludes that the Partial Recommended Disposition should be, and hereby is, approved and adopted as this Court's findings in all respects in its entirety.

Plaintiff's claims against Defendant Babin are DISMISSED with prejudice. Plaintiff's claims against Defendant Boyd contained in his Second Amended Complaint also are DISMISSED without prejudice.

IT IS SO ORDERED this 13th day of July, 2009.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE