

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

CARL FRANKLIN COOK

PLAINTIFF

v.

NO. 4:04CV00073 JLH

DAVID GIBBONS, JOHNNY CASTO, WILLIAM KELLY,  
SCOTT HARPER, DALE SWESEY, RICHARD HOFFMAN,  
HOYT HARNESS, MARK BLANKENSHIP, KEVIN WEBB,  
MACK THOMPSON, NICK CASTRO, ROBERT SPEER,  
JEFF CROW, JEFF JESTER, BOBBY ALCON, JOEL EUBANKS,  
CHARLIE EDMONDSON, BRYAN DAVIS, KEVIN RICHMOND,  
JAY WINTERS, RAY CALDWELL, BEN CROSS,  
KYLE DROWN, JOHNATHON FREEMAN, DAVID HYDEN,  
DWANE LUTER, CHARLES MARTIN, RICK MARTIN,  
CHRIS RIDENHOUR, TIM WHITTENBERG, JIMMY CASTO,  
TOM MARS, SCOTT WALLS, and JEFF CHANDLER

DEFENDANTS

ORDER

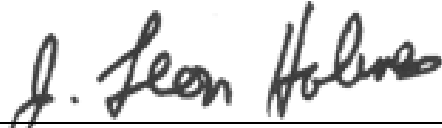
The Court has received findings and a recommendation from Magistrate Judge H. David Young. No objections have been filed. After a careful, de novo review of the record in this proceeding, the Court concludes that the findings and recommendation should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects. Thus, the Court orders the following:

- (1) The motion for facts to be deemed admitted filed by defendant Jay Winters ("Winters") is denied. See Document 279.
- (2) Winters' motion for summary judgment is granted. See Document 274.
- (3) The complaint filed by plaintiff Carl Franklin Cook is dismissed with prejudice

as to all of the defendants.

(4) Judgment is entered for all of the defendants.

IT IS SO ORDERED this 26th day of May, 2009.

  
UNITED STATES DISTRICT JUDGE