

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

DAVID WYNE ALLEN
ADC #140483

PLAINTIFF

V.

4:08CV00521 BSM/JTR

JAY WINTERS,
Sheriff, Pope County, et al.

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge J. Thomas Ray. After carefully considering these documents and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommended Partial Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Rule 60(b) Motion for Relief from Judgment (docket entry #23) is GRANTED;
2. The September 8, 2008 Order of Dismissal and Judgment (docket entries #6 and #7) are VACATED.

Dated this 27th day of April, 2009.


UNITED STATES DISTRICT JUDGE