

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

ANTHONY JAMES THOMAS, Jr

PLAINTIFF

V.

CASE NO. 4:08CV03840 SWW/BD

KARL BYRD, et al.

DEFENDANTS

ORDER

The Court has received the Recommended Disposition from Magistrate Judge Beth Deere. After careful review of the recommendation, the timely objections received thereto, as well as a *de novo* review of the record, the Court concludes that the recommendation should be, and hereby is, approved and adopted as this Court's findings in all respects in its entirety.

Defendants' Motion to Dismiss (#67) and Motion for Summary Judgment (#73) are DENIED. Defendant Roberson is liable for \$500.00 in actual damages for his use of excessive force against Plaintiff. All other claims are DISMISSED WITH PREJUDICE.¹

IT IS SO ORDERED this 30th day of November, 2009.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

¹Plaintiff's motion for extension of time to file objections [docket entry 80] is moot.