

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

JESSE LEE GARRETT,
ADC #656385

PLAINTIFF

v.

No. 4:12CV00230 JLH-JTK

SGT. HARDY,
Faulkner County Detention Center

DEFENDANT

ORDER

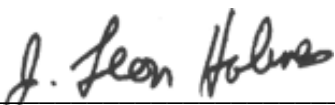
Magistrate Judge Jerome T. Kearney has submitted proposed findings and a recommended disposition in which he recommends that the Court enter judgment in favor of the plaintiff, Jesse Lee Garrett, against the defendant, Michael Hardy, in the nominal amount of \$1.00 plus \$350.00 in costs. Garrett has objected on the grounds that he and the defendant have entered into a settlement agreement calling for Hardy to deposit \$150.00 into his inmate account and to pay the filing fee of \$350.00 plus witness costs. Hardy has responded through his attorney, Keith Wren, and stated that he is willing to deposit into Garrett's account the amount of \$150.00, that he is willing to pay to the Court the sum of \$350.00, to be applied to the remainder of the filing fee, with the balance reimbursed to the plaintiff, and that to the extent that the plaintiff would be charged the cost of attempted service on Johnny Bill Johnson, the defendant would reimburse that amount. The record reflects that the United States Marshals Service incurred fees and expenses in the amount of \$232.80 in an attempt to serve Johnny Johnson with a subpoena. Document #145. Because the parties have reached a settlement agreement, the Court declines to adopt the proposed findings and recommended disposition. Document #144.

Pursuant to the settlement agreement, the Court orders that within thirty (30) days from the entry of this Order Michael Hardy must pay into the inmate account of Jesse Lee Garrett the sum of

\$150.00; Hardy must pay to the Clerk of the Court the sum of \$350.00 for the filing fee in this action; and Hardy must pay into the registry of the Court \$232.80 for the fees and expenses incurred in the attempted service of Johnny Johnson. The Court directs the Clerk to disburse from these funds the amount of \$232.80 to the United States Marshals Service, and to reimburse Garrett any sums that he has previously paid toward the filing fee in this action.

The complaint is hereby dismissed with prejudice. The Court retains jurisdiction of this matter for a period of sixty (60) days to enforce the terms of the settlement agreement as reflected in this Order.

IT IS SO ORDERED this 18th day of September, 2013.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE