

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

VINCENT SHARNEE JOHNSON

PLAINTIFF

v.

Civil No. 09-00002

EDWARD EARL ADAMS, Acting Chief,
W.C. Dub Brassell Detention Center;
and RANDY MORGAN, Jail Administrator,
Pulaski County Jail;

DEFENDANTS

ORDER

NOW on this 21st day of July 2010, comes on for consideration the Report and Recommendation of the Magistrate Judge (document #94), filed on June 28, 2010; and the Plaintiff's Objections to Magistrate's Report and Recommendation (document #97), filed on July 8, 2010. The Court, being well and sufficiently advised, finds as follows:

1. Plaintiff's objections offer neither law nor fact requiring departure from the Report and Recommendation and the same should be and hereby are overruled.

2. However, the plaintiff, in his objections, states his intention to "dismiss his premature notice of appeal" pursuant to Federal Rule of Appellate Procedure 42(a). The Court will construe this request as a motion to dismiss under Rule 42(a) and, will **grant** the motion. The Clerk is therefore directed to dismiss plaintiffs' appeal.

IT IS THEREFORE ORDERED that the **Report and Recommendation of the Magistrate Judge** (document #94) is **adopted to the extent that the motion for leave to appeal IFP is denied as not being taken in**

good faith. 28 U.S.C. § 1915(a)(3).

IT IS FURTHER ORDERED that, plaintiffs' motion to dismiss his appeal pursuant to Federal Rule of Appellate Procedure 42(a) is **granted**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT COURT