

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

**JEFFERY CHARELS ELMORE,
ADC #91418**

PLAINTIFF

v.

5:09CV00105BSM/HLJ

SHELLY BYERS, et al.

DEFENDANTS

ORDER

The court has received the Report and Recommendation submitted by United States Magistrate Judge Henry L. Jones, Jr. There have been no objections. After a review of those proposed findings and recommendations, the court concludes that the Report and Recommendation should be, and hereby is, approved and adopted in its entirety as this court's findings in all respects.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's complaint against defendant Byers is DISMISSED with prejudice for failure to state a claim.
2. Plaintiff's complaint against defendants Savoy, Griffin, and Rainer is DISMISSED without prejudice.

DATED this 22nd day of May, 2009.


UNITED STATES DISTRICT JUDGE