

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

TOMMY RADFORD

PLAINTIFF

VS.

CASE NO. 08-CV-1008

CAPTAIN DAVID NORWOOD,
et al.,

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed on March 29, 2010, by the Honorable Barry A. Bryant, United States District Judge for the Western District of Arkansas. (Doc. No. 96). In his report, the Magistrate Judge recommends that Bobby Ray Smith be dismissed as a Defendant in this case on the ground that the Plaintiff has failed to provide the Court the actual name or physical description of this Defendant as ordered. The Plaintiff filed objections (Doc. No. 98). to the report stating that he did provide the Court with this Defendant's actual name, Bobby Joe Johnson, and his physical description in a pleading attached to his Motion to Supplement Complaint (Doc. No. 93) filed with the Court on December 4, 2009.

On review of the documents filed on December 4, 2010, the Court finds that Plaintiff did file with these documents a "Motion to Rectify and or List Correct Name of Defendant → 'Bobby Joe Johnson' ". In this motion, Plaintiff states that he finally discovered that the Defendant's correct name is Bobby Joe Johnson, not Bobby Ray Smith. Johnson is employed and working at the Ouachita County Sheriff's office as a Jail or Sanitation/Trash Supervisor and Transportation Officer. Defendant also described Johnson as a Black Male, about 5'4" tall, and weighing close

