

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

PETE WILLIAM CORN

PLAINTIFF

VS.

CASE NO. 09-CV-1015

KEN JONES, Union County Sherriff;  
CAPT. JOHN WILLIAMS, Union  
County Criminal Justice Facility; LT.  
BASS; DEPUTY GERRY AVERY; DR.  
SEAL; and NURSE KELLY PEPPER

DEFENDANTS

**ORDER**

Before the Court is the Report and Recommendation filed on January 22, 2010, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. No. 23). In his report, the Magistrate Judge recommended that this case be dismissed on the ground that the Plaintiff has failed to obey the Court's December 4, 2009 order directing him to complete an attached notice regarding the summary judgment motion filed by the Defendants. The Plaintiff has filed objections to the report (Doc. No. 25)<sup>1</sup> stating that he did not receive the Court's December 4, 2009 order. He also asks for the Court's assistance in responding to the pending summary judgment motion.

After reviewing the record *de novo*, the Court finds that good cause exists for Plaintiff's failure to obey the Court's order. Accordingly, the Magistrate Judge's recommendation to

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<sup>1</sup> Plaintiff had until February 8, 2010 to file his written objections to the magistrate's report and recommendation. Plaintiff's objections were not received by the Court until February 12, 2010. However, the envelope containing Plaintiff's objections was postmarked January 28, 2010, well before the deadline expired. Accordingly, the Court finds that Plaintiff's objections to the magistrate's report and recommendation are timely.

dismiss this case is rejected. The matter is referred back to the Magistrate Judge for further disposition of Defendants' Motion for Summary Judgment.

IT IS SO ORDERED, this 16<sup>th</sup> day of February, 2010.

/s/Harry F. Barnes  
Hon. Harry F. Barnes  
United States District Judge