

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 May 21, 2010, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. No. 34). 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 April 14, 2010, 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. 36)¹ stating that he did not receive the Court's April 14, 2010 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

¹ Plaintiff had until May 21, 2010 to file his written objections to Judge Bryant's Report and Recommendation. No objections were filed. On June 8, 2010, Plaintiff filed a Notice of Change of Address with the Court. On that date, a copy of the Report and Recommendation was remailed to the Plaintiff at his new address. On June 21, 2010, Plaintiff filed his objections.

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 30th day of June, 2010.

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