

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

NED VERNON NELSON, JR.

PLAINTIFF

vs.

Civil No. 1:10-cv-01032

ERGON, INC. et al.

DEFENDANTS

JUDGMENT

Before the Court is the Report and Recommendation filed October 6, 2010 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 19). Judge Bryant recommends that Defendants' Motion to Dismiss as to Ergon, Inc. and Lion Oil Company be granted. Plaintiff has not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation *in toto*. The Motion to Dismiss Defendants Ergon, Inc. and Lion Oil Company is hereby **GRANTED**, and Defendants Ergon, Inc. and Lion Oil Company are hereby dismissed from this case without prejudice.

IT IS SO ORDERED, this 26th day of October, 2010.

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