

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

LONNIE LYNN MILLER

PLAINTIFF

VS.

CASE NO. 10-CV-1039

KEN JONES, et al.,

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed on July 15, 2010, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. No. 16). In the report, Judge Bryant recommends that the Union County Sheriff's Department be dismissed as a Defendant in this case on the ground that it is not an entity capable of being sued under Section 1983, and Defendant Ken Jones, sued in his official capacity, represents the interests of Union County and the Sheriff's Department. Fourteen (14) days have passed without objections being filed by the parties. The Court adopts *in toto* the magistrate judge's findings and recommendation.

Accordingly, the Court finds that the Motion to Dismiss filed by Defendant Union County Sheriff's Department should be and hereby is **granted**. Defendant Union County Sheriff's Department is hereby dismissed with prejudice.

IT IS SO ORDERED, this 16th day of August, 2010.

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