

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

KEVIN POTTER

PLAINTIFF

v.

Case No. 11-CV-1067

JERRY LANGLEY, *et al.*

DEFENDANTS

JUDGMENT

Before the Court is the Report and Recommendation filed March 6, 2012, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 17). Judge Bryant recommends that Separate Defendant B.H. & M. Oil Company's Motion to Dismiss (ECF No. 13) be granted because Plaintiff has failed to properly effect service of process and to state a claim upon which relief can be granted. The parties have 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*. Separate Defendant B.H. & M. Oil Company's Motion to Dismiss (ECF No. 13) is hereby **GRANTED**.

IT IS SO ORDERED, this 26th day of March, 2012.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District Judge