

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

HERBERT MATHIS a/k/a  
MICHAEL HOWARD HUNTER

PETITIONER

v.

Case No. 77-2004

SHERIFF BILL CAUTHRON

RESPONDENT

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**ORDER**

Now on this 4th day of November 2009, there comes on for consideration the report and recommendation filed herein on October 15, 2009, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. (Doc. 3). The parties did not file written objections. A copy of the report and recommendation was mailed to Petitioner at his last known address and was returned as undeliverable.

The court has reviewed this case and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, Petitioner's Motion to Vacate Pursuant to Rule 60(b)(6) (Doc. 1) is DENIED.

IT IS SO ORDERED.

/s/ Robert T. Dawson  
Honorable Robert T. Dawson  
United States District Judge