

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

BILLY JOE NELSON

PLAINTIFF

v.

Case No. 08-2037

DEPUTY WATERDOWN, *et al.*

DEFENDANTS

**ORDER**

Now on this 2<sup>nd</sup> day of June 2009, there comes on for consideration the report and recommendation filed herein on May 29, 2008, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. (Doc. 7). The parties did not file any written objections to the report and recommendation.

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, Separate Defendants Judge Cottrell, Prosecuting Attorney Marc McCune and Public Defender Thurman Ragar are DISMISSED as Defendants in this matter.

IT IS SO ORDERED.

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