

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

JAMES EDWARD KIRBY

PLAINTIFF

v.

Civil No. 08-2063

DEPUTY WATERDOWN; DEPUTY
ISREAL BURGOS; SHERIFF MIKE
ALLEN; and JAIL ADMINISTRATOR
JEFF MARVIN

DEFENDANTS

O R D E R

Now on this 8th day of September, 2009, comes on for consideration the **Report And Recommendation Of The Magistrate Judge** (document #24), and the Court, having carefully reviewed said Report And Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Report And Recommendation Of The Magistrate Judge** is adopted *in toto*.

IT IS FURTHER ORDERED that, for the reasons stated in the **Report And Recommendation Of The Magistrate Judge**, plaintiff's claim is hereby **dismissed**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE