

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

REX LEE RITCHIE, et al.

PLAINTIFFS

v.

No. 08-2066

LT. CUPP, et al.

DEFENDANTS

**ORDER**

On August 21, 2008, Magistrate Judge James R. Marschewski issued a Report And Recommendation recommending that this case be dismissed on the grounds that the plaintiffs had failed to prosecute it and failed to comply with the order of the Court to complete, sign and return *in forma pauperis* (IFP) applications. (Doc. 7.) Plaintiff Rex Lee Ritchie has filed objections to the Report and Recommendation, stating that he believed he had completed the IFP application and that there must have been a "mail mistake[] because [he] changed detention centers." (Doc. 8.)

Upon due consideration, Ritchie's claims will not be dismissed at this stage. The District Court Clerk is directed to forward Ritchie another IFP application. Ritchie shall have until October 20, 2008, to file the completed application.

The Report and Recommendation is adopted in all other respects and the claims of Plaintiff Billy Nelson and Plaintiff James Kirby are hereby DISMISSED on the grounds that they have failed to prosecute their claims and comply with an order of the Court. Plaintiff Ritchie's claims are hereby referred back to Magistrate Judge Marschewski.

IT IS SO ORDERED this 7th day of October, 2008.

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