

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

STEPHEN JEFF ROBISON

PETITIONER

V.

Civil No. 08-2128

SHERIFF FRANK ATKINSON and
CAPT. CONGER

RESPONDENTS

O R D E R

On this 23rd day of December 2008, there comes on for consideration the report and recommendation filed in this case on November 26, 2008, by the Honorable James R. Marschewski, United States Magistrate for the Western District of Arkansas. (Doc. 2). No objections were filed 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, Petitioner's 28 U.S.C. § 2254 petition is hereby DISMISSED WITHOUT PREJUDICE for failure to exhaust state remedies.

IT IS SO ORDERED.

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