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

CARL EDWARD MYERS PLAINTIFF

V. Civil No. 09-2073

BRAUM'S DAIRY DEFENDANT

O R D E R

On this 28th day of December 2009, there comes on for consideration the report and recommendation filed in this case on December 7, 2009, by the Honorable James R. Marschewski, United States Magistrate for the Western District of Arkansas. (Doc. 6). 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. On July 10, 2009, Plaintiff filed his Complaint and was provided with an addendum to complete and return by August 10, 2009. Plaintiff failed to return the addendum as directed by August 10, 2009. A copy of the report and recommendation was mailed to Plaintiff at his address on file with the Court, and has not been returned as undeliverable.

Accordingly, Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE for failure to prosecute and to obey the orders of

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this Court. *See* Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

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