

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

CARL EDWARD MYERS

PLAINTIFF

v.

Civil No. 09-02079

FIRESTONE - ROGERS  
AVE. STORE

DEFENDANT

O R D E R

Now on this 26th day of October 2009, comes on for consideration the **Report and Recommendation of the Magistrate Judge, Hon. James R. Marschewski** (document #5, filed October 5, 2009), in this matter, to which no objections have been filed, 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 **Magistrate Judge's Report and Recommendation is adopted in toto**.

**IT IS FURTHER ORDERED** that, for the reasons stated in the Magistrate Judge's Report and Recommendation, Plaintiff's Complaint (document #1) is hereby **dismissed**.

**IT IS SO ORDERED.**

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