

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

JAMES BRIAN WRIGHT

PLAINTIFF

V.

Civil No. 09-2091

BOARD OF COMMISSIONERS OF
SEBASTIAN COUNTY; JOHN DOE
POLICE OFFICERS; RON LOCKHART;
MARK HALLUM; FRANK ATKINSON and
JOHN DOE DEPUTIES OF THE SEBASTIAN
COUNTY SHERIFF'S OFFICE

DEFENDANTS

O R D E R

On this 30th day of March 2010, there comes on for consideration the report and recommendation filed in this case on March 8, 2010, by the Honorable James R. Marschewski, United States Magistrate for the Western District of Arkansas. (Doc. 31). Also before the Court are Plaintiff's objections to the report and recommendation (doc. 32).

The court has reviewed this case *de novo* 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. Plaintiff now contends in his objections to the report and recommendation that he was insane at the time his cause of action arose and continues to be insane, therefore, the Court should toll the statute of limitations. Plaintiff has not presented credible evidence to the Court sufficient to support such an allegation. Further, if Plaintiff is insane, he is not a proper party to bring this suit.

Defendants' Motions to Dismiss (docs. 12 & 14) are GRANTED,
and Plaintiff's Complaint is DISMISSED WITH PREJUDICE as barred
by the statute of limitations. Further, the remaining pending
motions (docs. 16, 21, 22, 25, 26 & 33) are DENIED AS MOOT.

IT IS SO ORDERED.

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