

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

MATTHEW W. BARNETT

PLAINTIFF

v.

Case No. 09-2158

SHERIFF FRANK ATKINSON, *et al.*

DEFENDANTS

**ORDER**

Now on this 10th day of March 2010, there comes on for consideration the report and recommendation filed herein on February 12, 2010, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. (doc. 9). Also before the Court are Plaintiff's objections (docs. 12-15).

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. Accordingly, Plaintiff's property claim is DISMISSED WITH PREJUDICE as Plaintiff may pursue a post-deprivation remedy in state court, and Separate Defendants Rachel Sims and Lieutenant Gayla Jackson are DISMISSED as Defendants in this matter. Plaintiff's claim that he was denied access to the Courts will proceed against the remaining defendant, Sheriff Frank Atkinson.

IT IS SO ORDERED.

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