

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

MATTHEW W. BARNETT

PLAINTIFF

V.

Civil No. 09-2158

RACHEL J. SIMS, District Court Clerk
of Sebastian County; SHERIFF FRANK
ATKINSON, Sebastian County, Arkansas;
and LIEUTENANT GAYLA JACKSON,
Sebastian County Detention Center

DEFENDANTS

O R D E R

On this 19th day of November 2010, there comes on for consideration the report and recommendation filed in this case on October 28, 2010, by the Honorable James R. Marschewski, United States Magistrate for the Western District of Arkansas. (Doc. 27). 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, Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE for failure to prosecute and failure to obey the orders of this Court. See Fed. R. Civ. P. 41(b). Defendants' Motion for Summary Judgment (doc. 23) is DENIED AS MOOT.

IT IS SO ORDERED.

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