

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

MATTHEW W. BARNETT

PLAINTIFF

V.

Civil No. 09MC42

RACHEL J. SIMS;
SHERIFF FRANK ATKINSON;
and GAYLA JACKSON

DEFENDANTS

O R D E R

On this 16th day of November 2009, there comes on for consideration the report and recommendation filed in this case on November 9, 2009, by the Honorable James R. Marschewski, United States Magistrate for the Western District of Arkansas. (Doc. 4). Also before the Court are Plaintiff's objections (Doc. 6) to the report and recommendation.

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 motion to perpetuate testimony under Rule 27 and/or to submit interrogatories prior to an action being filed is DENIED, and this miscellaneous action is CLOSED. Should Plaintiff desire to bring an action pursuant to § 1983 he may follow the appropriate procedures for so doing.

IT IS SO ORDERED.

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