

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

MICHAEL REDMAN

PETITIONER

V.

Civil No. 10-2029

DAVID EBERHARD, Director of the  
Arkansas Department of Community  
Correction<sup>1</sup>

RESPONDENT

O R D E R

On this 13th day of September 2010, there comes on for consideration the report and recommendation filed in this case on August 18, 2010, by the Honorable James R. Marschewski, United States Magistrate for the Western District of Arkansas. (Doc. 16). 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, Petitioner's Motion to Dismiss (doc. 15) is GRANTED, and the 28 U.S.C. § 2254 petition is hereby DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

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

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<sup>1</sup>Mr. Redman's petition was filed against the State of Arkansas and Daniel Shue as Prosecuting Attorney. The Clerk is directed to substitute Mr. Eberhard as he is the proper party.