

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

LARRY J. NIXON

PLAINTIFF

v.

Case No. 11-2059

DANIEL SHUE, Prosecutor,  
12<sup>th</sup> Judicial District and  
PROFESSOR JIM CHRISTIANSEN,  
University of Arkansas, Fort Smith

DEFENDANTS

**ORDER**

Now on this 7th day of June 2011, there comes on for consideration the report and recommendation filed on May 17, 2011, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas (Doc. 5). 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 Motion to Dismiss (Doc. 4) is GRANTED, and Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE. Plaintiff's Motion to Proceed IFP (doc. 2) is DENIED AS MOOT.

IT IS SO ORDERED.

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