

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

PHASUNG LU BACCAM

PLAINTIFF

v.

Case No. 2:11-CV-02065

SHERIFF BILL HOLLENBECK; and
DEPUTY MILLER

DEFENDANTS

ORDER

The Court has received proposed findings and recommendations (Doc. 56) from Chief United States Magistrate Judge James R. Marschewski. There have been no objections. After careful review, the Court concludes that the findings and recommendations should be, and hereby are, approved and adopted as this Court's findings in all respects in their entirety.

Accordingly, IT IS ORDERED that Defendants' motion to dismiss (Doc. 52) is GRANTED, and Plaintiff's Complaint is DISMISSED WITH PREJUDICE, pursuant to Federal Rule of Civil Procedure 37(d), as a sanction for failure to appear at his properly noticed deposition.

IT IS FURTHER ORDERED that Plaintiff's motion (Doc. 54) for assistance is DENIED AS MOOT.

No costs will be assessed, as the Court finds that an award of expenses would be unjust given Plaintiff's *in forma pauperis* status. Judgment will be entered accordingly.

IT IS SO ORDERED this 13th day of September, 2013.

/s/ P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE