

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

TIM WHITE

PLAINTIFF

v.

Case No. 2:11-CV-02109

WHIRLPOOL CORPORATION

DEFENDANT

ORDER

On this 6th day of September 2011, there comes on for consideration the Report and Recommendations (Doc. 4) filed in this case on August 11, 2011, by the Honorable James R. Marschewski, United States Magistrate for the Western District of Arkansas. More than fourteen (14) days have passed without objections being filed by the parties.

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, for the reasons stated in the Magistrate Judge's Report and Recommendations, Plaintiff's claims are **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2). Plaintiff is instructed that he may refile his ERISA claim, if any, if he desires to do so, after he has exhausted all remedies under the plan.

IT IS SO ORDERED this 6th day of September 2011.

P. K. Holmes, III

P.K. HOLMES, III
UNITED STATES DISTRICT JUDGE