

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

RANDY LOYD TURPEN

PLAINTIFF

v.

Case No. 2:11-CV-02133

SGT. RITTER; OFFICER COODY;
JERAMY MIMMIS, Inmate; OFFICER
PARTAIN; OFFICER STAMPS; OFFICER
KREGGER; NURSE SARA; NURSE
CARREN; NURSE LARRA; HOLLENBECK,
Sheriff; CAPTAIN CONGER; OFFICER
WAGNER

DEFENDANTS

ORDER

Currently before the Court is the Report and Recommendations (Doc. 13) filed in this case on October 7, 2011, by the Honorable James R. Marschewski, United States Magistrate for the Western District of Arkansas. Also before the Court are Plaintiff's Objections (Doc. 17) to the Report and Recommendations.

The Court has reviewed this case and, being well and sufficiently advised, finds as follows: Plaintiff's objections offer neither law nor fact requiring departure from the Report and Recommendation. In fact, Plaintiff states that he "does not object to the dismissal against inmate Jeremy Mimmis as he was an inmate and not acting under color of state law." (Doc. 17, p. 1).

The Court finds that the Report and Recommendation is proper and should be and hereby is **ADOPTED IN ITS ENTIRETY**. Accordingly, for the reasons stated herein and in the Magistrate Judge's Report and Recommendations, Plaintiff's claims against Separate Defendant Jeremy Mimmis are **DISMISSED WITH PREJUDICE** on the grounds that the claims are frivolous and fail to state claims upon which relief may be granted.

IT IS SO ORDERED this 20th day of October, 2011.

P. K. Holmes, III

P.K. HOLMES, III
UNITED STATES DISTRICT JUDGE