

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

LARRY JOE NIXON

PLAINTIFF

v.

Case No. 2:11-CV-02215

DANIEL SHUE, Prosecuting Attorney;
and PROFESSOR JIM CHRISTIANSEN

DEFENDANTS

ORDER

Currently before the Court is the Report and Recommendations (Doc. 4) filed in this case on November 17, 2011, by the Honorable James R. Marschewski, Chief United States Magistrate Judge for the Western District of Arkansas. Also before the Court are Plaintiff's timely-filed Objections (Doc. 5).

The Court has reviewed this case and, being well and sufficiently advised, finds as follows: Plaintiff's objections assert that, as an employee of the University of Arkansas, Professor Christiansen is a public servant and therefore should have responded directly to Plaintiff's letter. The Court, however, agrees with the Magistrate's reasoning that Professor Christiansen was clearly not acting under color of state law in failing to respond to Plaintiff's correspondence. Plaintiff did not assert any objections to the Report and Recommendations regarding dismissal of his claims against separate defendant Shue. Plaintiff's objections offer neither law nor fact requiring departure from the Report and Recommendations. 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, IT IS ORDERED that Plaintiff's Complaint be **DISMISSED WITHOUT PREJUDICE**. The pending Motion to Appoint Counsel (Doc. 6) is **DENIED AS MOOT**.

IT IS SO ORDERED this 21st day of December, 2011.

P. K. Holmes, III

P.K. HOLMES, III
UNITED STATES DISTRICT JUDGE