

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

MARK TEAS

PLAINTIFF

v.

Case No. 2:11-CV-02230

FORMER CAPTAIN CONGER;  
CAPTAIN DEVANE; LIEUTENANT  
JACKSON; and SERGEANT RITTER

DEFENDANTS

**ORDER**

Currently before the Court is the Report and Recommendation (Doc. 33) filed in this case on November 1, 2012, by the Honorable James R. Marschewski, Chief United States Magistrate Judge for the Western District of Arkansas. No party has filed objections to the Report and Recommendation, and the time period for filing objections has passed.

Defendants in this case filed a Motion to Dismiss on May 31, 2012. Defendants stated that Plaintiff failed to appear for a deposition. Defendants represented that defense counsel had received confirmation that the Notice of Deposition was delivered to Plaintiff's address. Plaintiff did not respond to Defendants' Motion. On November 1, 2012, Judge Marschewski filed the currently-pending Report and Recommendation, recommending that Plaintiff's case be dismissed with prejudice. Plaintiff has not filed objections to the Report and Recommendation, nor has he filed anything in this case in almost a year.

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, IT IS ORDERED that Defendants' Motion to Dismiss (Doc. 28) is GRANTED, and Plaintiff's Complaint is DISMISSED WITH PREJUDICE for failure to prosecute pursuant to

Federal Rule of Civil Procedure 41(b).

IT IS FURTHER ORDERED that any other motions which may remain pending in the instant matter are DENIED AS MOOT.

IT IS SO ORDERED this 5th day of December, 2012.

*P. K. Holmes, III*

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