

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION

TERRY GALE PLUNK

PLAINTIFF

v.

Civil No. 09-3039

CITY OF HARRISON, *et al.*

DEFENDANTS

O R D E R

NOW on this 2nd day of May, 2011, comes on for consideration the **Report and Recommendation of the Magistrate Judge** (Doc. 109), to which no objections have been filed. The Court, being well and sufficiently advised, finds that the Report and Recommendation is sound in all respects and should be adopted *in toto*.

**IT IS THEREFORE ORDERED** that the **Report and Recommendation of the Magistrate Judge** (Doc. 109) is hereby adopted *in toto*.

**IT IS FURTHER ORDERED** that, for the reasons stated in the **Report and Recommendation of the Magistrate Judge** (Doc. 109), plaintiff's **Motion to Dismiss** (Doc. 100) is hereby **Granted** and, therefore, plaintiff's complaint is hereby **Dismissed Without Prejudice**.

**IT IS FURTHER ORDERED** that, should plaintiff re-file his complaint in this matter, that defendants Harris, Jenkins, Lovass, Hickman, Pemberton, Smith, Bright, Hollis and McCullough may make a request for fees and costs associated with this action.

**IT IS SO ORDERED.**

/s/ Jimm Larry Hendren  
JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE