

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

DANIEL RAY BROWN

PLAINTIFF

v.

Civil No. 10-3052

SHERIFF DANNY HICKMAN;
JASON DAY, Jail Administrator,
Boone County Detention Center;
and BOONE COUNTY, ARKANSAS

DEFENDANTS

ORDER

NOW on this 19th day of September 2011, comes on for consideration the Report and Recommendation (R&R) of the Magistrate Judge (document #54), filed on August 25, 2011, and petitioner's objections thereto (document #60), filed on September 13, 2011. The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. By Order of September 2, 2011 (Document #59), the Magistrate Judge addressed and ruled on two motions filed by petitioner (Documents 55 and 56).

(a) In ruling on the Document #55 motion [whereby petitioner was seeking additional time to submit a supplemental response to the pending summary judgment motion because of defendants' alleged failure to comply with the Court's Order (document #50)], the Magistrate Judge pointed out that petitioner had attached to his motion defendants' supplemental discovery responses. Thus, the Magistrate Judge denied the Document #55 motion because petitioner already had the responses he sought.

The Magistrate Judge went on to state in his Order of September 2, 2011:

If Plaintiff believes information contained in the supplemental discovery responses is relevant to the summary judgment motion, he may submit the information with his objections to the report and recommendation (Doc. 54)

(b) In ruling on the Document #56 motion (whereby petitioner claimed that defendants' supplement discovery responses were inadequate), the Magistrate Judge addressed petitioner's specific complaint with respect to Request for Production #9 -- and found the challenged response to be sufficient. Accordingly, the Document #56 motion was denied.

2. In his objections to the R&R, petitioner states (a) that defendants failed to answer his discovery requests on time as ordered by the Court, thus, violated this Court's order; and (b) that, because defendants failed to so comply, petitioner did not have an opportunity to compile "all discovery evidence" and provide them to the Court.

3. It appears to the Court that petitioner's objections relate to the same issues decided against him in the Magistrate Judge's Order of September 2, 2011 -- and that, despite being advised he could submit the information he had in his objections to the R&R if he believed it relevant, he did not do so.

The Court has reviewed the Magistrate Judge's said Order of September 2, 2011, and finds no error therein.

4. It follows, therefore, that plaintiff's objections offer neither law nor fact requiring departure from the Report and

Recommendation and the same should and will be overruled.

5. The Report and Recommendation is sound in all respects and should be adopted *in toto*.

IT IS THEREFORE ORDERED

* that plaintiff's objections to the **Report And Recommendation** of the Magistrate Judge should be, and they hereby are, **overruled**;

* that the said **Report and Recommendation** of the Magistrate Judge should be, and it hereby is, **adopted in toto**.

IT IS FURTHER ORDERED that defendants' Motion for Summary Judgment (document #23) is **granted and this case is dismissed**.

IT IS SO ORDERED.

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