

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

DANIEL RAY BROWN

PLAINTIFF

vs. Civil No. 10-3080

YOLANDA WARSON, Probation  
Officer; MIKE PIPPIN, Assistant  
Area Manager; KENT VILLINES,  
Parole Officer; MIKE THOMAS,  
Area Manager; JEFF TILLMAN, Assistant  
Director, Parole Services; DAN ROBERTS,  
Director, Parole Services; and  
DAVE EBERHARD, Director

DEFENDANTS

**ORDER**

Now on this 1st day of October 2012, there comes on for consideration the report and recommendation filed on August 29, 2012, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas (doc. 51). Also before the Court are Plaintiff's objections to the report and recommendation (doc. 53), Defendants' Response (doc. 54), and Plaintiff's Supplement (doc. 55).

The report and recommendation recommends dismissal of Plaintiff's Complaint for failure to prosecute and comply with the orders of the Court. In his objections and supplement, Plaintiff contends he was unable to timely file a response because he was and remains incarcerated when the questionnaire was sent to him, the questionnaire was misplaced and not recovered until after the filing deadline had passed, and the

Boone County Jail does not allow inmates to receive forwarded mail. Plaintiff seeks an order extending the deadline to file his response, directing the Clerk's Office to send a copy of the questionnaire, and directing the Boone County Jail to provide him with legal materials.

Accordingly, the Court declines to adopt the report and recommendation. Plaintiff's requests for a copy of the questionnaire and extension of his response deadline are GRANTED, all other requests are DENIED. The Clerk's Office is directed to send a copy of the questionnaire (Doc. 49) to Plaintiff at the Boone County Jail. Plaintiff is advised that his response must be filed with the Court by November 1, 2012. Failure to do so will result in the dismissal of his Complaint.

IT IS SO ORDERED.

/s/ Robert T. Dawson  
Honorable Robert T. Dawson  
United States District Judge