

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

DALE B. ADAMS

PLAINTIFF

v.

Case No. 3:10-CV-03117

UNITED STATES DEPARTMENT OF JUSTICE;  
and ERIC H. HOLDER, UNITED STATES  
ATTORNEY GENERAL

DEFENDANTS

**ORDER**

Currently before the Court is the Report and Recommendation (Doc. 49) filed in this case October 10, 2012, by the Honorable James R. Marschewski, Chief United States Magistrate Judge for the Western District of Arkansas. The objection period has passed without objections being filed by either party.

The Court has reviewed this case, as well as the document submitted by Defendants for in camera review, 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, for the reasons stated in the Magistrate Judge's Report and Recommendations, IT IS ORDERED that Defendant's Motion for Summary Judgment (Doc. 35) is GRANTED with respect to Plaintiff's FOIA claims concerning Document 3.

IT IS FURTHER ORDERED that Plaintiff's case is DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that Plaintiff's Motion for Appointment of Counsel (Doc. 45) is DENIED AS MOOT. Furthermore, the Court would have otherwise exercised its discretion under 28 U.S.C. § 1915(e) to deny the motion, as Plaintiff has adequately investigated any necessary facts and presented his claims, and the complexity of any facts or legal arguments in this FOIA action is

low. *Phillips v. Jasper County Jail*, 437 F.3d 791, 794 (8th Cir. 2006) (outlining relevant criteria for determining whether counsel should be appointed for an indigent litigant in a civil case). Plaintiff has also previously been denied appointed counsel in this same case (Doc. 13), and the reasons for that previous denial remain valid.

IT IS FURTHER ORDERED that Plaintiff's Motion for Court Order (Doc. 46) is DENIED AS MOOT, insofar as the Court's records show that Plaintiff was mailed a copy of the Court's Order (Doc. 22) dated December 7, 2011, which imposed a temporary stay of this action and set out a briefing schedule for the parties to file Motions for Summary Judgment.

IT IS FURTHER ORDERED that Plaintiff's Motion to Suppress (Doc. 48) is DENIED AS MOOT. The Court has not considered any evidence, in rendering its decision, that would be subject to suppression. Furthermore, Plaintiff's Motion is procedurally improper and legally insufficient and contains a litany of allegations that are irrelevant to the limited issue which remained to be decided in this case: namely, whether Defendants could rightfully withhold Document 3 from disclosure.

IT IS SO ORDERED AND ADJUDGED this 2nd day of November, 2012.

*/s/ P. K. Holmes, III*

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