

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

JACOB AUSTIN DAVIS

PLAINTIFF

VS.

CASE NO. 08-CV-4040

WAYNE SMITH, Warden,
Southwest Arkansas Community
Corrections; RICH HINTON,
Captain of Security, Southwest
Arkansas Community Corrections

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed herein on September 12, 2008, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. No. 9). Ten (10) days have passed without objections being filed by the parties. The Court adopts *in toto* the Magistrate Judge's findings and recommendations.

Accordingly, the Court finds that the Plaintiff's Complaint should be and hereby is dismissed as frivolous, for failing to state claims upon which relief may be granted and which are not presently cognizable under 42 U.S.C. § 1983. *See* 28 U.S.C. § 1915(e)(2)(B)(i)-(iii).

IT IS SO ORDERED, this 9th day of October, 2008.

/s/Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge