

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

RUSSELL LEE

PLAINTIFF

v.

Civil No. 08-4102

MILLER COUNTY, ARKANSAS;
SHERIFF RAMBO; WARDEN
JANICE NICHOLSON;
SGT. DOLLY SIMMONS;
DON THORNELL, Acting Sheriff
of Miller County; SGT. BAYLESS;
MAJOR G. TURNER; and
WARDEN NEFF

DEFENDANTS

O R D E R

Now on this 26th day of June, 2008, comes on for consideration the **Report and Recommendation of the Magistrate Judge, Hon. Barry A. Bryant** (document #59, filed June 1, 2009), in this matter, to which no objections have been filed, and the Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Magistrate Judge's Report and Recommendation is adopted in toto**.

IT IS FURTHER ORDERED that, for the reasons stated in the Magistrate Judge's Report and Recommendation, plaintiff's Motion to Amend (doc. #47) is construed as a Motion to Dismiss and is hereby granted and all claims against Major G. Turner and Warden Neff are hereby **dismissed**. **This case is referred back to Magistrate Judge Bryant for a report and recommendation on the remaining defendants.**

IT IS SO ORDERED.

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