

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

DANNY ELMER

PLAINTIFF

V.

CASE NO. 09-CV-4002

HEATH ROSS, Hempstead
County Sheriff's Office

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed June 8, 2009, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 9). Judge Bryant recommends that Plaintiff's claims be dismissed based on his failure to prosecute this action and failure to comply with an order of this Court. *See* Fed. R. Civ. P. 41(b). Plaintiff has not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation *in toto*. Plaintiff's claims in this action are **DISMISSED**.

IT IS SO ORDERED, this 26th day of June, 2009.

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