

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

JAMES DONALD EVERS

PLAINTIFF

VS.

CASE NO. 09-CV-4017

MILLER COUNTY CORRECTIONAL
FACILITY

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed on November 6, 2009 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. No. 7). Ten (10) days have passed without objections being filed by the parties. The Court hereby 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 for violation of Local Rule 5.5(c)(2), failure to follow an Order of the Court, and failure to prosecute this action.

IT IS SO ORDERED, this 9th day of December, 2009.

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