

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

MITCHELL BILLINGSLEY
Individually and doing business as
Mitchell Billingsley Logging

PLAINTIFF

VS.

CASE NO. 09-CV-4040

WEYERHAEUSER COMPANY

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed on August 24, 2010 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. No. 19). Plaintiff has timely filed objections to the Report and Recommendation. (Doc. No. 21).

On March 23, 2009, Plaintiff Mitchell Billingsley filed suit in the Circuit Court of Howard County against Defendant Weyerhaeuser Company alleging fraud, promissory estoppel and breach of contract. In his Complaint, Plaintiff states that he is engaged in the logging business, working for the Defendant beginning in the fall of 1999. He claims that Defendant led him to believe that if he purchased several pieces of expensive equipment, he would have a “long-term relationship” with the Defendant. Instead, he was terminated by the Defendant on April 24, 2006, after working only seven years. The matter was removed to this Court on May 4, 2009. On May 16, 2010, Defendant filed a Motion for Summary Judgment in the case. On August 6, 2010, the motion was referred to Magistrate Judge Barry A. Bryant for a Report and Recommendation pursuant to 28 U.S.C. §636(b)(1). In his report, Judge Bryant recommends

that summary judgment be granted on each cause of action brought by the Plaintiff and the case dismissed with prejudice. Plaintiff objects to Judge Bryant's findings restating that there are genuine issue of material fact that should be determined by a jury. The matter is now before this Court for review.

Pursuant to 28 U.S.C. § 636(b)(1), the judge of the Court shall conduct a *de novo* review of the findings of the magistrate which are objected to and accept, reject, or modify those findings and recommendations. After reviewing the record *de novo*, along with the objections filed by the Plaintiff, the Court finds no error by Judge Bryant and adopts his Report and Recommendation as its own. Accordingly, the Court finds that Defendant's Motion for Summary Judgment should be and hereby is **granted**. Plaintiff's Complaint is dismissed with prejudice.

IT IS SO ORDERED, this 10th day of September, 2010.

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