

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

KILEY GRANT

PLAINTIFF

V.

CASE NO. 09-CV-4044

MILLER COUNTY, ARKANSAS;
MILLER COUNTY JAIL;
RETIRED SHERIFF LINDA RAMBO;
SHERIFF RONALD STOVALL;
FORMER WARDEN JANICE
NICHOLSON; WARDEN NEFF;
FORMER NURSE TRINA OWENS;
NURSE MELODY NELLIE THOMAS;
and MAJOR TURNER

DEFENDANTS

ORDER

Before this Court is a report and recommendation filed on August 11, 2009, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 5). Plaintiff, Kiley Grant, filed a motion for leave to proceed *in forma pauperis* (IFP) and plans to bring a civil rights action against the Defendants pursuant to 42 U.S.C. § 1983. Judge Bryant recommends that Plaintiff's IFP status be denied and his case be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to comply with an order of the court; namely, Plaintiff Grant failed to file his IFP application or pay the filing fee as directed by the court. Plaintiff Grant has responded with timely objections. (Doc. 7). After reviewing the record *de novo*, the Court adopts Judge Bryant's Report and Recommendation as its own.

In his Objections to the Report and Recommendation, Plaintiff Grant, through his sister, asserts that he delayed filing his IFP application or paying his filing fee due to concerns about

retribution from officers in Miller County. (Doc. 7, pg. 1). Plaintiff alleges that Major Turner had pressured him into pleading guilty and that Miller County was not offering adequate medical care while he was in their possession; therefore, Plaintiff was afraid that if he filed a complaint against them while in their custody, they would retaliate against him. (Doc. 7, pgs. 1-2). Judge Bryant correctly points out that Plaintiff never petitioned the court for an extension of his deadline to submit either the IFP application or to pay the filing fee. Therefore, this Court accepts Judge Bryant's recommendation that this case should be dismissed for failure to comply with an order of the court pursuant to Fed. R. Civ. P. 41(b).

For the reasons discussed above, as well as those stated in Judge Bryant's Report and Recommendation, (Doc. 5), Plaintiff Riley Grant's case should be and hereby is **DISMISSED**.

IT IS SO ORDERED, this 19th day of April, 2010.

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