

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

SHRODDRIC DURELL MITCHELL

PLAINTIFF

v.

Civil No. 09-4071

CHARLES NEFF, Administrator,
Miller County Detention Center;
MAJOR GARY TURNER, Miller
County Detention Center; and
FORMER SGT. CAROLYN BALLARD

DEFENDANTS

O R D E R

Now on this 14th day of June, 2010, comes on for consideration the **Report And Recommendation Of The Magistrate Judge** (document #21), and **Separate Plaintiff [sic] Answer To Report And Recommendation of The Magistrate Judge** (document #22).

The Magistrate Judge reports that all efforts to locate defendant Carolyn Ballard have failed, and recommends that plaintiff's claims against her be dismissed.

Plaintiff responds that Ballard is a witness in his case, and agrees that his claims against her should be dismissed.

IT IS THEREFORE ORDERED that the **Report And Recommendation Of The Magistrate Judge** is adopted *in toto*.

IT IS FURTHER ORDERED that, for the reasons stated in the **Report And Recommendation Of The Magistrate Judge**, plaintiff's claims against separate defendant Carolyn Ballard are **dismissed without prejudice**.

IT IS FURTHER ORDERED that this matter is **remanded** to the

Magistrate Judge for further proceedings.

IT IS SO ORDERED.

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