

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

TOMMY DWAYNE HALL

PETITIONER

VS.

CASE NO. 09-CV-4078

LARRY NORRIS, Director  
Arkansas Department of Correction

RESPONDENT

**ORDER**

Before the Court is the Report and Recommendation filed on September 29, 2009, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. No. 13). The Petitioner has responded to the Magistrate's findings and recommendations and wishes to withdraw his Motion for Default Judgment filed in this matter. (Doc. No. 15).

Upon consideration, the Court adopts *in toto* the Magistrate's findings and recommendations. The Court finds that the Respondent timely filed a response in this matter; thus, he is not in default. Accordingly, the Petitioner's Motion for Default Judgment (Doc. No. 10) should be and hereby is **denied**.

IT IS SO ORDERED, this 9<sup>th</sup> day of October, 2009.

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