

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

TOMMY DWAYNE HALL

PETITIONER

VS.

CASE NO. 09-CV-4079

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. 11). 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. 14).

Upon consideration, the Court adopts *in toto* the Magistrate's findings and recommendations. The Court finds that the Respondent timely filed his answer in this matter; thus, he is not in default. Accordingly, the Petitioner's Motion for Default Judgment (Doc. No. 8) should be and hereby is **denied**.

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

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