

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

ARTHUR DOOLITTLE

PLAINTIFF

V.

CASE NO. 10-CV-4022

WAYNE SMITH, Warden
and DR. TREVILLYAN,
Facility Doctor

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed October 8, 2010, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 43). Judge Bryant recommends that the motions for summary judgment (Docs. 27 and 30) be granted. No objections to the Report and Recommendation have been filed, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation *in toto*. The motion for summary judgment filed by Separate Defendant Dr. Trevillyan. (Doc. 27) is **GRANTED**. The motion for summary judgment filed by Separate Defendant Warden Wayne Smith (Doc. 30) is **GRANTED**. Plaintiff's claims are dismissed without prejudice. Plaintiff may re-file his claims once he has exhausted the grievance procedure with respect o all claims he seeks to pursue in this case.

IT IS SO ORDERED, this 9th day of November, 2010.

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