

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

KENNETH L. WALLER

PLAINTIFF

v.

Case No. 4:10-CV-04059

WARDEN G. TURNER; SGT. MILLER;
OFFICER WILLIE NASH; OFFICER
HERRO; NURSE K WILLIAMS; and
SHERIFF STOVAL

DEFENDANTS

O R D E R

On this 3rd day of May 2011, there comes on for consideration the Report and Recommendation (Doc. 46) filed in this case on April 4, 2011, by the Honorable James R. Marschewski, United States Magistrate for the Western District of Arkansas. Fourteen (14) days have passed without objections being filed by the parties.

The court has reviewed this case and, being well and sufficiently advised, finds as follows: the Report and Recommendation is proper and should be and hereby is **ADOPTED IN ITS ENTIRETY**. Accordingly, for the reasons stated in the Magistrate Judge's Report and Recommendation, Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE**.

Plaintiff's Motion to Amend Complaint (Doc. 39) and Motion to Serve (Doc. 40), to the extent they are still pending, are **DENIED AS MOOT**.

IT IS SO ORDERED this 3rd day of May 2011.

/s/ Paul K. Holmes III

Paul K. Holmes III
United States District Judge