

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

DARRELL WAYNE SMITH

PLAINTIFF

v.

Case No. 4:10-CV-04081

WARDEN GARY TURNER;  
NURSE WILLIAMS; NURSE  
STEWART; and NURSE CHEATHAM

DEFENDANTS

**ORDER**

On this 2nd day of September 2011, there comes on for consideration the Report and Recommendations (Doc. 27) filed in this case on June 21, 2011, by the Honorable Erin L. Setser, United States Magistrate for the Western District of Arkansas. More than 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 Recommendations, Defendants’ Motion to Dismiss (Doc. 11) is **DENIED**.

IT IS SO ORDERED this 2nd day of September 2011.

*P. K. Holmes, III*

P.K. HOLMES, III  
UNITED STATES DISTRICT JUDGE