

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

AKIN WILLIAMS

PLAINTIFF

vs.

Civil No. 4:10-cv-4144

OFFICER JIMMY SMITH

DEFENDANT

JUDGMENT

Before the Court is the Report and Recommendation filed October 31, 2012, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 43). Pursuant to the provisions of 42 U.S.C. § 1983, Plaintiff alleges in his Complaint that he was subjected to excessive force by Defendant Officer Jimmy Smith. After conducting an evidentiary hearing, Judge Bryant recommends that judgement be entered against Defendant Jimmy Smith and that Plaintiff be awarded \$1.00 in nominal damages and \$500.00 in compensatory damages. Judge Bryant further recommends that Defendant Jimmy Smith be required to pay the court filing fee of \$350.00 that was assessed against Plaintiff. The parties have not filed objections to the Report and Recommendation, 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*.

Judgment is hereby entered against Defendant Jimmy Smith, and Plaintiff is hereby awarded \$1.00 in nominal damages and \$500.00 in compensatory damages. If all or any portion of the filing fee has been paid through deductions from Plaintiff's inmate account, the Clerk is directed to refund the funds to Plaintiff.

IT IS SO ORDERED, this 29th day of November, 2012.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District Judge