

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

DANNY LEE ELMER

PLAINTIFF

v.

Civil No. 10-4159

JOHNNY GODBOLT and
NURSE JOAN MCLEAN

DEFENDANTS

ORDER

NOW on this 21st day of December 2010, comes on for consideration the **Report and Recommendation of the Magistrate Judge** (Doc. 7), to which no objections have been filed. The Court has reviewed the Report and Recommendation and finds that it is sound in all respects.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (Doc. 7) is hereby **adopted in toto**;

IT IS FURTHER ORDERED that, for the reasons stated in the Magistrate Judge's Report and Recommendation, Plaintiff's **Motion to Dismiss** (Doc. 6) is hereby **granted** and this case is hereby **dismissed without prejudice**.

IT IS FURTHER ORDERED that Plaintiff remains liable for the filing fee.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
HON. JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE