

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

MARCUS ONEIL LAQUIENT OWENS

PLAINTIFF

v.

Case No. 4:22-cv-04069

SHERIFF JACKIE RUNION, Miller County, Arkansas;
SMART COMMUNICATIONS/SMART JAIL MAIL

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed October 19, 2022, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. ECF No. 24. Judge Bryant recommends that Plaintiff's claims against Defendants Sheriff Jackie Runion and Smart Communications/Smart Jail Mail be dismissed for failure to state a claim as a matter of law pursuant to Federal Rule of Civil Procedure 12(b)(6). Judge Bryant further recommends that Plaintiff's Motion for Summary Judgment (ECF No. 19) and Defendant Smart Communications' Motion for Extension of Time to File Answer (ECF No. 22) be denied as moot.

Plaintiff has not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Being well and sufficiently advised, and finding no clear error on the face of the record, the Court adopts the Report and Recommendation *in toto*. Plaintiff's Complaint (ECF No. 1) is hereby **DISMISSED WITHOUT PREJUDICE**. Further, Plaintiff's Motion for Summary Judgment (ECF No. 19) and Defendant Smart Communications/Smart Jail Mail's Motion for Extension of Time to File Answer (ECF No. 22) are **DENIED AS MOOT**. Finally, the dismissal constitutes a "strike" under the PLRA, 28 U.S.C. § 1915(g), and the Clerk of Court is directed to place a § 1915(g) strike flag on the case.

IT IS SO ORDERED, this 21st day of November, 2022.

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