

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

ANTONIO PIERRE PERKINS

PLAINTIFF

v.

Case No. 4:23-cv-04040

DEPUTY SHERIFF JUSTIN CRAIN and
DEPUTY SHERIFF GARY DORMAN

DEFENDANTS

ORDER

Before the Court is a Report and Recommendation issued by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. ECF No. 26. Judge Bryant recommends that Defendant's Motion to Dismiss (ECF No. 23) be granted for failure to prosecute and comply with orders of the Court and that Plaintiff's Second Amended Complaint (ECF No. 12) be dismissed.

Defendant filed timely objections. ECF No. 27. However, Defendant's objections never address Judge Bryant's analysis. Instead, Defendant summarily states that he "object[s] on the didmissal [sic] of the case" and "attached the Affidavit of Fact Write of Error and Criminal Complaint [sic] . . . describing [his] objection." *Id.* These documents do not provide any specific objection to the Report and Recommendation but are simply a refile of documents previously attached to Plaintiff's operative complaint. *See* ECF No. 12-1. Accordingly, the Court reviews the instant Report and Recommendation for clear error instead of conducting a *de novo* review. *See Griffini v. Mitchell*, 31 F.3d 690, 692 (8th Cir. 1994) (noting that specific objections shift a court's review from one which scrutinizes for plain error to one in which the issues are reviewed *de novo*); *and see* 28 U.S.C. § 636(b)(1).

Upon review, finding that there is no clear error on the face of the record and that Judge Bryant's reasoning is sound, the Court adopts the Report and Recommendation (ECF No. 26) *in*

toto. Defendant's Motion to Dismiss (ECF No. 23) is hereby **GRANTED**. Accordingly, Plaintiff's Second Amended Complaint (ECF No. 12) is hereby **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED, this 25th day of July, 2024.

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