

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

RICHARD DeSHIELDS

PLAINTIFF

v.

CASE NO.: 07-5098

SHERIFF KEITH FERGUSON;  
DET. IVY;  
NURSE ANDREA

DEFENDANTS

**REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE**

Plaintiff Richard DeShields (Plaintiff) filed his Complaint (Doc. 1) on May 30, 2007, pursuant to 42 U.S.C. § 1983. This case has been referred to the undersigned by the Honorable Chief Judge Jimm Larry Hendren for a Report and Recommendation.

The Court issued an Order on January 14, 2009, directing Plaintiff to complete and sign a response to the Defendants' Motion for Summary Judgment on or before February 16, 2009. (Doc. 37). This deadline has passed and Plaintiff has failed to respond. No mail has been returned to the Court and the Plaintiff has not been in communication with the Court in any way.

Accordingly, it is the report and recommendation of the Magistrate Judge that the above-styled case be DISMISSED for failure to comply with an Order of the Court, as well as a failure to prosecute the action.

**The parties have ten (10) days from receipt of this report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.**

DATED this 26th day of February 2009.

/s/ J. Marschewski  
HON. JAMES R. MARSCHEWSKI  
UNITED STATES MAGISTRATE JUDGE