

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

ROBERT W. AVERY

PLAINTIFF

v.

Civil No. 07- 5111

SHERIFF KEITH FERGUSON,
et al.

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

On August 18, 2009, the Court held an evidentiary hearing in the above-styled case. At the hearing, Plaintiff made an oral motion before the Court to voluntarily dismiss the following defendants: Srader, Robbins, Warzecha, Chapman, Holland, Conner, and Gage. There was no objection to this motion by the Defendants, and it was noted the dismissals were to be with prejudice. At the time of the hearing, the undersigned noted the dismissals should be granted.

Accordingly, it is my recommendation the following Defendants be dismissed from this action, with prejudice, due to the Motion of the Plaintiff: Srader, Robbins, Warzecha, Chapman, Holland, Conner, and Gage.

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 21st day of August, 2009.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE