

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

GREGORY PHILLIPS

PLAINTIFF

v.

Civil No. 07-5165

SHERIFF KEITH FERGUSON;
MAJOR DRAKE; CAPTAIN HUNTER
PETRAY; and LT. CARTER

DEFENDANTS

O R D E R

Now on this 5th day of March, 2009, comes on for consideration the **Report and Recommendation of the Magistrate Judge, James R. Marschewski** (document #6, filed January 20, 2009), in this matter, to which no objections have been filed, and the Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Magistrate Judge's Report and Recommendation is adopted in toto**.

IT IS FURTHER ORDERED that, for the reasons stated in the Magistrate Judge's Report and Recommendation, plaintiff's Complaint is hereby **dismissed**.

IT IS SO ORDERED.

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