

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

RAYMOND SETZKE

PLAINTIFF

v.

Civil No. 07-5186

LARRY NORRIS, Director, Arkansas
Department of Correction; JOHN MAPLES,
WARDEN, GRIMES UNIT, Arkansas Department
of Correction; CHARLES PRUITT,
Director, Arkansas Crime Information Center (ACIC);
PAULA STITZ, Manager of the State Sex Offender Registry
of the ACIC; SHERIFF KEITH FERGUSON;
DEPUTY FREE; LIEUTENANT CARTER;
DEPUTY JENSEN; CAPTAIN PETRAY;
MARK BERNTHAL; LEANNE BAKER;
VINCE MORRIS, Area Manager or Supervisor, Area 1,
Bentonville Office of the Department of Community
Corrections; and LINDA GATES

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983. He proceeds *pro se* and *in forma pauperis*.

On April 8, 2009, he filed a motion to dismiss (Doc. 202) Sheriff Keith Ferguson and the other Benton County Detention Center defendants from this action. He indicates that he no longer desires to pursue his claims against them. Instead, he intends to proceed with his claims against the remaining defendants. The defendants have no objection (Doc. 211) to the dismissal of the claims against them.

I recommend that the motion to dismiss (Doc. 202) be granted and plaintiff's claims against Sheriff Keith Ferguson, Deputy Free, Lieutenant Carter, Deputy Jensen, and Captain Petray be dismissed with prejudice.

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 7th day of May 2009.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE