

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

DONALD E. CALIANNO

PLAINTIFF

v.

Civil No. 07-5217

SHERIFF TIM HELDER;
MAJOR R. DENZER;
CAPTAIN BELL;
DEPUTY HASSELL;
DEPUTY HUTCHENS;
DEPUTY BECKER

DEFENDANTS

O R D E R

Now on this 21st day of August, 2009, comes on for consideration the **Report and Recommendation of the Magistrate Judge, Hon. James R. Marschewski** (document #34, filed July 27, 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, this case is hereby **dismissed without prejudice**.

IT IS SO ORDERED.

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