

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

ROBERT WILLIAM AVERY

PLAINTIFF

v.

Civil No. 08-5091

SHERIFF KEITH FERGUSON;
CAPTAIN HUNTER PETRAY;
CORPORAL DUSTIN CARLTON;
EX-SERGEANT CHARLES TOMLIN;
and SGT. CULOTTA

DEFENDANTS

O R D E R

Now on this 2nd day of December, 2010, comes on for consideration plaintiff's motion to dismiss defendants Corporal Dustin Carlton and Sgt. Culotta (document #87) and the **Report And Recommendation Of The Magistrate Judge** (document #88), recommending that said motion be granted. There being no objection, the Court finds that the **Report And Recommendation Of The Magistrate Judge** (document #88) should be, and same hereby is, **adopted in toto**.

The Court further finds that plaintiff's motion to dismiss defendants Corporal Dustin Carlton and Sgt. Culotta (document #87) should be, and same hereby is, **granted**, and plaintiff's claims against defendants Corporal Dustin Carlton and Sgt. Culotta (document #87) are hereby **dismissed**.

IT IS SO ORDERED.

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