

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

MICHAEL SHANE WILMOTH

PLAINTIFF

v.

Civil No. 08-5105

DEPUTY ROBBINS, Benton County
Detention Center; DEPUTY CARLTON,
Benton County Detention Center;
DEPUTY LOWTHER, Benton County
Detention Center; SHERIFF KEITH
FERGUSON, Benton County, Arkansas;
CAPTAIN HUNTER PETRAY, Jail
Administrator, Benton County
Detention Center; LT. CARTER,
Benton County Detention Center; and
ARAMARK CORRECTIONAL SERVICES, LLC

DEFENDANTS

O R D E R

Now on this 1st day of December, 2008, come on for consideration the following:

* the **Motion To Dismiss Of ARAMARK Correctional Services, LLC, For Failure To State A Claim** (document #49);

* the **Report And Recommendation Of The Magistrate Judge** (document #52); and

* plaintiff's **Motion To Extend Time To [sic] Objections** (document 54),

and the Court, being well and sufficiently advised, finds and orders as follows:

1. The Report And Recommendation, which recommends denial of ARAMARK's Motion To Dismiss, is sound in all respects, and should be adopted *in toto*.

2. ARAMARK's Motion To Dismiss should be denied.

3. There is no need to allow plaintiff additional time to make objections to the Report And Recommendations, since it is fully favorable to him.

IT IS THEREFORE ORDERED that the **Report And Recommendation Of The Magistrate Judge** is adopted *in toto*.

IT IS FURTHER ORDERED that, for the reasons stated in the **Report And Recommendation Of The Magistrate Judge**, the **Motion To Dismiss Of ARAMARK Correctional Services, LLC, For Failure To State A Claim** (document #49) is **denied**.

IT IS FURTHER ORDERED that plaintiff's **Motion To Extend Time To [sic] Objections** (document 54) is **denied**.

IT IS FURTHER ORDERED that this matter is **remanded** to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

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