

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

LESTER H. NYE

PLAINTIFF

v. Civil No. 08-5118

SHERIFF KEITH FERGUSON AND
CAPTAIN HUNTER PETRAY

DEFENDANTS

O R D E R

NOW on this 9th day of December 2008, comes on for consideration the **Report and Recommendation of the Magistrate Judge** (document #17), filed on October 29, 2008, and the Court, being well and sufficiently advised that there has been no objection thereto, finds that the Report and Recommendation should be, and it hereby is, adopted *in toto*.

IT IS THEREFORE ORDERED that, for the reasons set forth therein, the **Report and Recommendation of the Magistrate Judge** is **adopted in toto**. Accordingly, Defendants' **Motion to Dismiss** (document #15) is **granted** and Plaintiff's complaint is dismissed in its entirety without prejudice.

IT IS SO ORDERED.

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