

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

MICHAEL BENJAMIN

PLAINTIFF

v.

Civil No. 08-5134

OFFICER S. CHANDLER,
Fayetteville Police Department,
MAYOR DAN COODY; and
SHERIFF TIM HELDER

DEFENDANTS

O R D E R

Now on this 1st day of May, 2009, comes on for consideration the **Report and Recommendation of the Magistrate Judge, James R. Marschewski** (document #22, filed March 16, 2009), in this matter, to which a Response was filed on March 26, 2009. The Court, having carefully reviewed said Report and Recommendation and the Response thereto, finds that the Report and Recommendation 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, the following claims are dismissed: the false arrest, malicious prosecution, and false imprisonment claims; all claims against Mayor Dan Coody; and all claims against Sheriff Tim Helder. The remaining claim of Benjamin's illegal search is referred back to Judge Marschewski for a report and recommendation.

IT IS SO ORDERED.

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