

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

MARK WEAVER

PLAINTIFF

v.

Civil No. 08-5167

CAPTAIN PETRAY,
DEPUTY JOHNSON,
DEPUTY MORRISON,
DEPUTY JOHNSTON,
DEPUTY ROLAND,
DEPUTY RANKIN,
DEPUTY WALES,
DEPUTY ELKINGTON,
DEPUTY TUCKER,
DEPUTY LOCKHART,
DEPUTY ENGLEMAN,
DEPUTY WRIGHT,
DEPUTY GONZALES,
DEPUTY COLTS,
DEPUTY BLAGG,
DEPUTY EWING,
DEPUTY STRICKLAND,
DEPUTY MRS B.,
DEPUTY BAILEY,
DEPUTY BARR,
SARGENT CARLTON,
SARGENT VAUGHN,
SARGENT ROBBINS,
SARGENT TORRES,
LT. CARTER and
SHERIFF KEITH FERGUSON

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 #45, filed July 24, 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, Defendants' First Motion for Summary Judgment is hereby **dismissed as premature.** This does not preclude the filing of such motion at the time all defendants have been properly named and served.

IT IS FURTHER ORDERED that the Clerk of Court make the following substitutions: Deputy Rankin should be substituted for Deputy Rakin; Deputy Blagg should be substituted for Deputy Blugg; and Deputy Barr should be substituted for Deputy Bar.

IT IS SO ORDERED.

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