

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

MARK WEAVER

PLAINTIFF

v.

Civil No. 08-5168

CAPT. HUNTER PETRAY et al.

DEFENDANT

O R D E R

Now on this 20th day of May, 2010, comes on for consideration the **Magistrate Judge's Report and Recommendation** (document #22), in this matter, to which no objections have been made, 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, Plaintiff's **Motion to Dismiss** (document #46) his complaint is hereby **GRANTED** and Plaintiff's complaint is hereby dismissed pursuant to Federal Rule Civil Procedure 41(a)(2).

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