

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

MATTHEW MICHAEL KEATING

PLAINTIFF

v.

CASE No.: 08-5187

OFFICER FREEMAN, and
RANDALL DENZER

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Now before the Court is the Motion to Dismiss (Doc. 10) filed by Defendants. Defendants seek to dismiss the above styled case pursuant to Local Rule 5.5 (c)(2). However, Plaintiff has filed updated addresses of record on the same date as Defendants' Motion. No mail has been returned to the Court from this updated address, and this update should allow Defendants to complete service of their Answer.

Accordingly, it is my recommendation that the Motion to Dismiss (Doc. 10) be DENIED.

Plaintiff has ten (10) days from receipt of this report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. Plaintiff is reminded that objections must be both timely and specific to trigger de novo review by the district court.

IT SO ORDERED this 19th day of June 2009.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE