

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

ANTHONY SCOTT FABRIZIO

PLAINTIFF

v.

Civil No. 08-5215

SHERIFF KEITH FERGUSON;
DR. HUSKINS; CAPTAIN
HUNTER PETRAY; and
MAJOR GENE DRAKE

DEFENDANTS

O R D E R

Now on this 22nd day of March, 2010, comes on for consideration the **Report And Recommendation Of The Magistrate Judge** (document #39), 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 **Report And Recommendation Of The Magistrate Judge** is adopted *in toto*.

IT IS FURTHER ORDERED that, for the reasons stated in the **Report And Recommendation Of The Magistrate Judge**, defendants' **Motion For Summary Judgment** (document #24) is **denied**.

IT IS FURTHER ORDERED that this matter is remanded to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

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