

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

MARK DAVID WEAVER

PLAINTIFF

v.

Civil No. 09-5053

SHERIFF KEITH FERGUSON;  
CAPTAIN HUNTER PETRAY;  
SGT. CARLTON; DEPUTY ROLAND;  
DEPUTY RANKIN; DEPUTY WRIGHT;  
DEPUTY WALES; RAINWATER,  
HOLT & SEXTON, and JERRY  
McNABB, Attorney at Law

DEFENDANTS

O R D E R

Now on this 23rd day of July, 2009, comes on for consideration the **Report and Recommendation of the Magistrate Judge, Hon. James R. Marschewski** (document #8, filed April 15, 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, plaintiff's claims against Jeremy McNabb and the law firm of Rainwater, Holt & Sexton, P.A. are hereby **dismissed**. **The case is referred back to Hon. James R. Marschewski for a report and recommendation regarding the claims against the remaining defendants.**

**IT IS SO ORDERED.**

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