

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

KEITH D. MATTHEWS

PLAINTIFF

v.

Civil No. 09-5095

DUSTIN ROBERTS, Deputy Prosecutor;
and MARK BOOKER, Deputy Prosecutor

DEFENDANTS

O R D E R

Now on this 9th day of June, 2009, comes on for consideration the **Report and Recommendation of the Magistrate Judge, Hon. James R. Marschewski** (document #3, filed May 6, 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 request to proceed *in forma pauperis* is denied and his complaint is hereby **dismissed without prejudice**.

IT IS SO ORDERED.

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