

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

AUSTIN JAY BURNS

PLAINTIFF

v.

Civil No. 09-05148

CAPTAIN HOLLY AND
SHERIFF FERGUSON

DEFENDANTS

O R D E R

NOW on this 25th day of February 2010, comes on for consideration the **Report and Recommendation of the Magistrate Judge** (document #12), filed on February 4, 2010, and the Court, being well and sufficiently advised that there has been no objection thereto, finds that the Report and Recommendation is sound in all respects and should be adopted *in toto*.

IT IS THEREFORE ORDERED that, for the reasons set forth therein, the **Report and Recommendation of the Magistrate Judge** is adopted *in toto*. Accordingly, this case and all claims against defendants are dismissed, based on plaintiff's failure to prosecute this action and maintain a recent address.

IT IS SO ORDERED.

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