

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

ANDREW RICHARD CUMMINS

PLAINTIFF

v.

Civil No. 09-5173

SHERIFF KEITH FERGUSON, et al.

DEFENDANTS

O R D E R

Now on this 13th day of September, 2011, come on for consideration defendants' **Motion For Partial Summary Judgment** (document #41) and the **Report And Recommendation Of The Magistrate Judge** (document #60). No objections have been made to the Report And Recommendation, and the Court, having carefully reviewed it, 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 Partial Summary Judgment** (document #41) is **granted in part and denied in part**.

The motion is **granted** insofar as it seeks summary judgment in favor of defendants on plaintiff's claim for denial of access to the courts, and **denied** in all other respects.

**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