

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

JAMES PATRICK THOMAS

PLAINTIFF

v.

Civil No. 09-5177

SHERIFF KEITH FERGUSON, et al.

DEFENDANTS

O R D E R

Now on this 7th day of April, 2011, comes on for consideration the **Magistrate Judge's Report And Recommendation** (document #22), to which no objection has been filed. The Court has carefully reviewed the Report And Recommendation, and finds it sound in all respects. It will be adopted in toto, and, for the reasons set forth therein, plaintiff's claims against defendant Fife will be dismissed without prejudice.

**IT IS THEREFORE ORDERED** that the **Magistrate Judge's Report And Recommendation** (document #22 is **adopted in toto**.

**IT IS FURTHER ORDERED** that plaintiff's claims against defendant Fife are **dismissed without prejudice**.

**IT IS FURTHER ORDERED** that this matter is **remanded** to United States Magistrate Judge Erin L. Setser for further proceedings.

**IT IS SO ORDERED.**

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