

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

CHESTER S. VAUGHN

PLAINTIFF

v.

Civil No. 09-5205

DR. JAMES HUSKINS, Benton
County Detention Center;
NURSE MARSHA SMITH, Benton
County Detention Center;
SGT. FRY, Benton County
Detention Center; CAPTAIN
ROBERT HOLLY, Benton County
Detention Center; and SHERIFF
KEITH FERGUSON

DEFENDANTS

O R D E R

Now on this 20th day of February, 2013, come on for consideration plaintiff's **Application To Proceed In District Court Without Prepaying Fees Or Costs**¹ (document #98) and the **Report And Recommendation Of The Magistrate Judge** ("R&R") (document #100), and from these documents, the Court finds and orders as follows:

1. Plaintiff Chester S. Vaughn ("Vaughn") brought suit pursuant to **42 U.S.C. § 1983**, alleging that defendants were deliberately indifferent to his serious medical needs arising out of a chemical exposure when floor-mopping chemicals were splashed into his eye. When his claims were denied and dismissed Vaughn appealed and requested *in forma pauperis* ("IFP") status.

2. Magistrate Judge Erin L. Setser considered Vaughn's IFP

¹ Despite its title, this preprinted document relates to Vaughn's appeal, not the proceedings before the District Court, where he was accorded IFP status in September, 2009.

application, and found it wanting. She entered an Order directing him to supply additional information. In the R&R, Judge Setser reports that Vaughn has failed to supply the additional information, has not requested additional time to respond, and has failed to communicate with the Court in any way. Judge Setser recommended that IFP status be denied.

3. Vaughn has failed to lodge any objection to the R&R, and the time for doing so has now expired.

4. The Court finds the R&R sound in all respects, and has determined that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Report And Recommendation Of The Magistrate Judge** ("R&R") (document #100) is **adopted in toto**.

IT IS FURTHER ORDERED that plaintiff's **Application To Proceed In District Court Without Prepaying Fees Or Costs** (document #98) is **denied**.

IT IS SO ORDERED.

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