

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

JASON ANDREW BATES

PLAINTIFF

v.

Civil No. 09-5239

SHERIFF KEITH FERGUSON, et al.

DEFENDANTS

O R D E R

Now on this 15th day of March, 2011, comes on for consideration the **Report and Recommendation of the Magistrate Judge (Doc. 23)**, dated December 7, 2010, in which she recommends that this case be dismissed for plaintiff's failure to prosecute and failure to follows a court order. In the Report and Recommendation, the Magistrate Judge advised plaintiff that he had fourteen (14) days to file an objection.

On January 6, 2011 -- 31 days after the Magistrate Judge issued her Report and Recommendation -- plaintiff filed his objection to the Report and Recommendation in which he asserts that he did respond to the Magistrate Judge's order and requested help in responding to the pending summary judgment motion.

The Court has reviewed the docket sheet in this case and there is no record of plaintiff's response to the Magistrate Judge's order. Further, plaintiff's objection to the Report and Recommendation was untimely filed.

Therefore, the Court finds that plaintiff's objection should be overruled and the Magistrate Judge's Report and Recommendation should be adopted *in toto*.

**IT IS THEREFORE ORDERED** that plaintiff's **objection (Doc. 24)** is **overruled**.

**IT IS FURTHER ORDERED** that the **Report and Recommendation (Doc. 23)** is hereby **adopted in toto**; and

**IT IS FURTHER ORDERED** that plaintiff's complaint is hereby **DISMISSED** for failure to prosecute and failure to follow court orders.

**IT IS SO ORDERED.**

/s/JIMM LARRY HENDREN  
JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE