

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

BRIAN D. OWENS

PLAINTIFF

v.

Civil No. 09-5248

CORPORAL T. SCOTT

DEFENDANT

O R D E R

Now on this 21st day of June, 2010, comes on for consideration the **Magistrate Judge's Report and Recommendation** (document #9), in this matter, to which no objections have been made, and the Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Magistrate Judge's Report and Recommendation is adopted in toto**.

IT IS FURTHER ORDERED that, for the reasons stated in the Magistrate Judge's Report and Recommendation, Plaintiff's claims for threats made by Defendant and for retaliation for asking to use the restroom are **DISMISSED**. Plaintiff's Complaint (document #1) shall proceed on his remaining claim of retaliation for use of the jail's grievance procedure.

IT IS SO ORDERED.

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