

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

MICHAEL AARON JACOBY

PLAINTIFF

v.

Civil No. 09-5258

DR. HOWARD,  
NURSE RHONDA BAILEY and  
SHERIFF TIM HELDER

DEFENDANTS

O R D E R

Now on this 26th day of October, 2010, comes on for consideration the **Magistrate Judge's Report and Recommendation** (Doc. 3), in this matter, to which no objections have been made. The Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, except that the Court declines to dismiss the plaintiff's complaint with prejudice.

**IT IS THEREFORE ORDERED** that the **Magistrate Judge's Report and Recommendation** is adopted in part, and not adopted in part.

**IT IS FURTHER ORDERED** that, for the reasons stated in the Magistrate Judge's Report and Recommendation, Plaintiff's complaint is hereby **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

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