

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

ROBERT J. ALLEN

PLAINTIFF

v.

Civil No. 10-5008

SHERIFF TIM HELDER; and
OFFICER SHIPLEY

DEFENDANTS

O R D E R

NOW on this 22nd day of February, 2012, comes on for consideration the **Report and Recommendation of the Magistrate Judge** (Doc. 40), filed on January 27, 2012, to which no objections have been filed. 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 **Report and Recommendation of the Magistrate Judge** (Doc. 40) is adopted *in toto*.

IT IS FURTHER ORDERED that defendants' **Motion for Summary Judgment** (Doc. 33) is **granted** in that plaintiff's failure to appear claim is **dismissed without prejudice** and plaintiff's claim regarding exposure to HIV is **dismissed with prejudice**.

IT IS SO ORDERED.

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