

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

KHALIFAH FARUQ

PLAINTIFF

v.

Civil No. 10-5052

CHIEF OF POLICE JOE  
GARRETT, Siloam Springs  
Police Department; and  
SHERIFF ARNOTT, Greene  
County, Missouri

DEFENDANTS

**ORDER**

NOW on this 19<sup>th</sup> day of July 2010, comes on for consideration the Magistrate Judge's Report and Recommendation (document #3), filed on March 17, 2010, and plaintiff's objections thereto (document #4), filed on March 26, 2010. The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. Plaintiff's objections offer neither law nor fact requiring departure from the Report and Recommendation and the same should and will be overruled.

2. The Report and Recommendation is sound in all respects and should be adopted *in toto*.

3. The plaintiff is advised that he may reopen the case on payment of the \$350 filing fee and the filing of a motion to reopen. See Witzke v. Hiller, 966 F.Supp. 538, 540 (E.D. Mich. 1997) (revoking IFP status under section 1915(g) and dismissing action without prejudice to inmate's right to re-file it upon payment of filing fee).

**IT IS THEREFORE ORDERED**

\* that plaintiff's objections to the **Magistrate Judge's Report And Recommendation** should be, and they hereby are, **overruled**;

\* that the said **Magistrate Judge's Report and Recommendation** should be, and it hereby is, **adopted in toto**.

**IT IS FURTHER ORDERED** that, plaintiff's IFP application should be, and hereby is, **denied** pursuant to 28 U.S.C. § 1915(g) and this case is **dismissed**.

**IT IS SO ORDERED.**

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