

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

LUCIANO VERDE

PLAINTIFF

v.

Civil No. 10-5186

STATE OF ARKANSAS

DEFENDANTS

O R D E R

Now on this 28th day of October, 2010, comes on for consideration the **Report and Recommendation of the Magistrate Judge** (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 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 application to proceed *in forma pauperis* is **DENIED** and plaintiff's complaint is dismissed **WITHOUT PREJUDICE**.

IT IS SO ORDERED.

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