

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

STEVEN JAMES SMITH

PLAINTIFF

v.

Civil No. 10-5206

SHERIFF KEITH FERGUSON, et al.

DEFENDANTS

O R D E R

NOW on this 12th day of November 2010, comes on for consideration the **Report and Recommendation of the Magistrate Judge** (Doc. 3), and Plaintiff's objection thereto (Doc. 4). The Court has reviewed the Report and Recommendation and, being well and sufficiently advised, finds that it is sound in all respects, and that Plaintiff has stated neither law nor fact to refute the Recommendation.

IT IS THEREFORE ORDERED that Plaintiff's objection to the Magistrate Judge's Report and Recommendation (Doc. 4) is hereby **overruled**;

IT IS FURTHER ORDERED that the Magistrate Judge's Report and Recommendation (Doc. 3) is hereby **adopted in toto**;

IT IS FURTHER ORDERED that, for the reasons stated in the Magistrate Judge's Report and Recommendation, Plaintiff's motion to proceed *in forma pauperis* (Doc. 2) is **denied** and plaintiff's complaint is hereby **dismissed without prejudice**.

IT IS SO ORDERED.

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