

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

TRAVIS R. ROBERSON

PLAINTIFF

v.

Civil No. 11-5001

TIM HELDER, Sheriff of  
Washington County, Arkansas

DEFENDANT

O R D E R

Now on this 8th day of June, 2011, come on for consideration the parties' **Joint Motion To Remand To The Fayetteville District Court** (document #18) and the **Magistrate Judge's Report And Recommendation** (document #19), 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.

**IT IS THEREFORE ORDERED** that the **Magistrate Judge's Report And Recommendation** is adopted.

**IT IS FURTHER ORDERED** that, for the reasons stated in the **Magistrate Judge's Report And Recommendation**, plaintiff's Petition For Writ Of Habeas Corpus By A Person In State Custody is **granted**.

**IT IS FURTHER ORDERED** that the sentence imposed on plaintiff by the District Court of Fayetteville, Arkansas, is **vacated**, and the matter is **remanded to the District Court of Fayetteville, Arkansas** for re-sentencing within 120 days of the date of this

Order, failing which the charges against him shall be deemed dismissed with prejudice.

**IT IS SO ORDERED.**

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