

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

GILBERTO AGUILAR PENA

PLAINTIFF

v.

Civil No. 11-5017

SIX UNKNOWN AGENTS, ET AL.

DEFENDANTS

O R D E R

Now on this 25th day of April, 2011, come on for consideration plaintiff's **Application To Proceed In District Court Without Prepaying Fees Or Costs** (document #11) (which is deemed an application to proceed on appeal without prepayment of fees and costs); the **Report And Recommendation Of The Magistrate Judge** (document #12); and a document filed as plaintiff's **Objections** to the Report And Recommendation (document #13), and the Court, being well and sufficiently advised, finds that the Report And Recommendation Of The Magistrate Judge is sound in all respects, and should be adopted in toto. Plaintiff's Objections do not fairly meet the substance of the Report And Recommendation, and will be overruled.

IT IS THEREFORE ORDERED that the **Report And Recommendation Of The Magistrate Judge** (document #12) is **adopted in toto**.

IT IS FURTHER ORDERED that plaintiff's **Application To Proceed Without Prepayment Of Fees And Affidavit** (document #11) is **denied**, and the Clerk of Court is directed to collect the \$455.00 appeal filing fee from plaintiff.

IT IS FURTHER ORDERED that plaintiff's **Objections** to the Report And Recommendation (document #13) are **overruled**.

IT IS FURTHER ORDERED that the Clerk of Court provide the Court of Appeals with a copy of the Report And Recommendation and this Order.

IT IS SO ORDERED.

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