

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

MELVIN WAYNE HUNTER BARNETT

PLAINTIFF

v.

Civil No. 11-5047

SHERIFF KEITH FERGUSON; CAPTAIN
HUNTER PETRAY; CAPTAIN ROB HOLLY;
NURSE MARSHA SMITH; NURSE GAIL
HARTGRAVES; and DR. JOHN HUSKINS

DEFENDANTS

O R D E R

Now on this 16th day of August, 2012, come on for consideration defendants' **Motion To Dismiss** (document #20) and the **Report And Recommendation Of The Magistrate Judge** (document #24), to which no objections have been made. The Court has carefully reviewed said Report And Recommendation, and finds that it is sound in all respects, and that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Report And Recommendation Of The Magistrate Judge** is adopted *in toto*.

IT IS FURTHER ORDERED that, for the reasons stated in the **Report And Recommendation Of The Magistrate Judge**, defendants' **Motion To Dismiss** (document #20) is **granted**, and this matter is dismissed with prejudice.

IT IS FURTHER ORDERED that this matter is **remanded** to the Magistrate Judge for further proceedings with regard to defendants' **Motion For Attorney Fees And Costs** (document #28).

IT IS SO ORDERED.

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