

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

JOE DAVID SMOTHERS

PLAINTIFF

v.

Case No. 08-6024

CHRIS ROOT, *et al.*

DEFENDANTS

**ORDER**

Now on this 9th day of December 2008, there comes on for consideration the report and recommendation filed herein on September 4, 2008, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 27). The parties did not file any written objections to the report and recommendation.

The court has reviewed this case and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, Plaintiff's Motion to Dismiss (Doc. 19) is GRANTED and this case is DISMISSED without prejudice.

IT IS SO ORDERED.

/s/ Robert T. Dawson  
Honorable Robert T. Dawson  
United States District Judge