

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

ELBERT OSBORNE, JR.

PLAINTIFF

v.

Civil No. 6:08-cv-06032

SGT. ANSLEY, Garland County
Detention Center;
LT. McMURRIAN, Garland
County Detention Center; et al.

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Plaintiff, Elbert Osborne, Jr., filed this civil rights action pursuant to the provisions of 42 U.S.C. § 1983 on March 27, 2008. He proceeds *pro se* and *in forma pauperis*. Pursuant to the provisions of 28 U.S.C. § 636(b)(1) and (3)(2007), the Honorable Robert T. Dawson, United States District Judge, referred this case to the undersigned for the purpose of making a report and recommendation.

On November 4, 2008, the Plaintiff filed a motion to dismiss (Doc. 21) this case. He indicates he no longer wants to proceed with the case because of his circumstances.

I therefore recommend that the motion be granted and this case be dismissed without prejudice.

The parties have ten days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 22nd day of December 2008.

/s/ Barry A. Bryant

BARRY A. BRYANT

UNITED STATES MAGISTRATE JUDGE