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

JAMES ICKSTADT PLAINTIFF

v. Civil No. 6:08-cv-06068

PROGRESSIVE CASUALTY
INSURANCE COMPANY DEFENDANT

**REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE**

Plaintiff, James Ickstadt (hereinafter Plaintiff), proceeds in this action *in forma pauperis* and *pro se*. 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.

Defendant has filed a motion to dismiss this action (Doc. 12). Attached to the motion is a release signed by the Plaintiff on December 16, 2008. Plaintiff has also filed a motion to dismiss (Doc. 13) this action with prejudice.

I therefore recommend that the motions to dismiss (Doc. 12 and Doc. 13) be granted and this action be dismissed with 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 7th day of April 2009.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE

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