

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

WENZEL WOCHOS

PLAINTIFF

V.

CASE NO. 08CV6070

DARRELL SMITH

DEFENDANT

O R D E R

On this 3rd day of August 2010, there comes on for consideration the report and recommendation filed in this case on July 14, 2010, by the Honorable Barry A. Bryant, United States Magistrate for the Western District of Arkansas. (Doc. 58). No objections were filed.

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, this matter is removed from the September 27, 2010 trial docket, and will be stayed for a period of ninety (90) days. If Plaintiff's executor or administrator takes no action by the end of the ninety (90) days, the case will be dismissed pursuant to Rule 25(a) of the Federal Rules of Civil Procedure. Defendant's Motion to Dismiss (doc. 56) is DENIED as premature.

IT IS SO ORDERED.

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