

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

MARCO SIMMONS

PLAINTIFF

V.

CASE NO. 09CV6054

JAMES LANGLEY, Jailer,
Clark County Jail and
SHERIFF DAVID TURNER

DEFENDANTS

ORDER

On this 25th day of October 2010, there comes on for consideration the report and recommendation filed in this case on October 7, 2010, by the Honorable Barry A. Bryant, United States Magistrate for the Western District of Arkansas. (Doc. 23). No objections were filed 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, Defendants' Motion for Summary Judgment (doc. 15) is DENIED AS MOOT without prejudice to their right to re-file the motion once Sheriff Turner has been served and responded to the Complaint.

IT IS SO ORDERED.

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