

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

JAMES DELAMAR

PLAINTIFF

v.

Civil No. 09-6056

BRIAN TRUBITT, Attorney;
BLAKE BATSON, Prosecuting
Attorney; and ROY BETHEL,
Investigator, Arkadelphia
Police Department

DEFENDANT

O R D E R

Now on this 6th day of August, 2009, comes on for consideration the **Report and Recommendation of the Magistrate Judge, Hon. Barry A. Bryant** (document #3, filed July 16, 2009), in this matter, to which no objections have been filed, and the Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Magistrate Judge's Report and Recommendation is adopted in toto**.

IT IS FURTHER ORDERED that, for the reasons stated in the Magistrate Judge's Report and Recommendation, plaintiff's request to proceed in forma pauperis is hereby **denied and plaintiff's Complaint is dismissed without prejudice**.

IT IS SO ORDERED.

/s/Jimm Larry Hendren
HON. JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE