

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

JAMES DELAMAR

PLAINTIFF

v.

Civil No. 09-6056

BRAIN TRUBITT, ATTORNEY, ET AL.

DEFENDANTS

O R D E R

NOW on this 31st day of August 2010, comes on for consideration Plaintiff's **Motion for Reconsideration** of this Court's Order Adopting the Magistrate Judge's Report and Recommendation (document #5). The Court, having reviewed the record in this matter and being well and sufficiently advised, finds as follows:

1. On July 16, 2009, the Magistrate Judge entered his Report and Recommendation in this matter in which he held that, although Plaintiff would qualify by economic status to proceed *in forma pauperis* in this case, his claims should be dismissed because they fail to state a claim. Thus, the Magistrate Judge recommended that Plaintiff's complaint be dismissed with prejudice.

2. Plaintiff did not file any objections to the Report and Recommendation.

3. On August 6, 2009, the Court entered an Order adopting the Magistrate Judge's Report and Recommendation *in toto* and dismissing Plaintiff's complaint with prejudice.

4. On August 31, 2009, Plaintiff filed a document that has been docketed as a "Motion for Reconsideration" in which he reasserts several of the allegations made in his original complaint and argues that he has "displayed how these three defendant have violated my constitutional rights and laws of the land. \* \* \* All portions of this complaint is true and factual it states a claim upon which relief may be granted" etc. (document #5).

5. The Court finds that Plaintiff has failed to state sufficient grounds for the Court to reconsider its decision to adopt the Magistrate Judge's Report and Recommendation and to dismiss Plaintiff's complaint with prejudice.

**IT IS THEREFORE ORDERED** that Plaintiff's **Motion for Reconsideration** (document #5) is **DENIED**.

**IT IS SO ORDERED.**

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