

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

KEVIN RAY PEARCY

PLAINTIFF

v.

Case No.: 09-6108

SGT. R.J. DUNN, et al.

DEFENDANTS

O R D E R

On this 21st day of June 2010, there comes on for consideration the report and recommendation filed in this case on June 1, 2010, by the Honorable Barry A. Bryant, United States Magistrate for the Western District of Arkansas. (Doc. 14). No objections to the report and recommendation 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, Plaintiff's Motion to Dismiss (doc. 13) is GRANTED IN PART AND DENIED IN PART. Plaintiff's motion is granted to the extent that this case is DISMISSED WITHOUT PREJUDICE. The motion is denied as to Plaintiff's request that no funds be deducted from his account. Plaintiff's Motion for Leave to Proceed IFP was granted, and service was directed on the defendants. Defendants answered Plaintiff's Complaint, and Plaintiff is liable for the filing fee pursuant to the provisions of the Prison Litigation Reform Act.

IT IS SO ORDERED this 21st day of June 2010.

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