

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

PHIL GARNER

PLAINTIFF

V.

Civil No. 13-6117

O.A. WYNN, *et al.*

DEFENDANTS

O R D E R

On this 9th day of July 2014, there comes on for consideration the report and recommendation filed in this case on May 6, 2014, by the Honorable Barry A. Bryant, United States Magistrate for the Western District of Arkansas. (Doc. 17). No objections were filed to the report and recommendation.¹

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' Motions to Dismiss (docs. 9 & 14) are GRANTED, and Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE for failure to state a claim upon which relief may be granted. 28 U.S.C. § 1915A(b). The dismissal of this action will constitute a "strike" under 28 U.S.C. § 1915(g), and the U.S. District Clerk is directed to appropriately flag the case.

¹The Court notes that Plaintiff's copy of the report and recommendation was returned as undeliverable. However, no forwarding address was available, and Plaintiff has not provided the Court with any change of address.

IT IS SO ORDERED.

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