

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
ARKANSAS

Robert Eaton v. S. Friar, Inmate

Eaton v. Friar · No. 6:26-cv-06029 · Decided June 9, 2026

SUMMARY

The United States District Court for the Western District of Arkansas adopted a magistrate judge’s Report and Recommendation and dismissed Robert Eaton’s complaint without prejudice. The dismissal was based on failure to prosecute and failure to comply with court orders requiring submission of a filing fee or an application to proceed in forma pauperis.

CASE DETAILS

COURT	United States District Court for the Western District of Arkansas
WRITING FOR THE COURT	Susan O. Hickey
JURISDICTION	United States District Court for the Western District of Arkansas
DECIDED	June 9, 2026
DOCKET	6:26-cv-06029
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal of Plaintiff's complaint without prejudice for failure to prosecute and failure to comply with court rules and orders.
STANDARD OF REVIEW	Clear-error review applies to portions of a magistrate judge's Report and Recommendation to which no specific objection is made; timely and specific objections trigger de novo review.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Robert Eaton v. S. Friar, Inmate

TOPICS

- civil procedure
- motions to dismiss
- pleadings

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff's objections were sufficiently specific to require de novo review of the magistrate judge's Report and Recommendation.
2. Whether the complaint should be dismissed without prejudice for failure to prosecute and failure to comply with court rules and orders.

HOLDINGS

1. Because Plaintiff's objections were not specific and did not address the filing-fee or IFP deficiencies, the district court reviewed the Report and Recommendation for clear error rather than de novo.
2. The complaint was properly dismissed without prejudice for failure to prosecute and failure to comply with the court's Local Rules and Orders.

KEY QUOTATIONS

“Accordingly, the Court finds that Plaintiff’s objections are not specific and will review the Report and Recommendation for clear error.”

“Upon review, finding no clear error on the face of the record and that Judge Ford’s reasoning is sound, the Court adopts the Report and Recommendation (ECF No. 10) in toto.”

FACTUAL BACKGROUND

Plaintiff filed a complaint but did not submit either the required filing fee or an application to proceed in forma pauperis. Several court orders directed him to correct that deficiency, but he did not comply. His objections and supplement did not specifically explain or cure the failure to pay the fee or submit an IFP application.

PROCEDURAL HISTORY

Magistrate Judge Mark E. Ford recommended dismissal after Plaintiff failed to pay the filing fee or submit an application to proceed in forma pauperis despite several court orders. Plaintiff objected but did not specifically address the filing-fee or IFP deficiencies. The district court reviewed the Report and Recommendation for clear error, adopted it in full, and dismissed the complaint without prejudice.

DISPOSITION

dismissed

CASES CITED

- Thompson v. Nix, 897 F.2d 356, 358-59 (8th Cir. 1990)
- Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996)

OPINION

IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF ARKANSAS HOT SPRINGS DIVISION ROBERT EATON PLAINTIFF v. Case No. 6:26-cv-06029 S. FRIAR, Inmate DEFENDANT ORDER Before the Court is the Report and Recommendation filed on April 30, 2026, by the Honorable Mark E. Ford, United States Magistrate Judge for the Western District of Arkansas. ECF No. 10. Judge Ford recommends that Plaintiff's Complaint be dismissed without prejudice for failure to prosecute and for failure to comply with the Court's Local Rules and Orders.

Id. at 2. Specifically, Judge Ford found that Plaintiff has not submitted either a filing fee or an IFP application, despite several Court orders directing Plaintiff to do so. Id. Plaintiff objects to the Report and Recommendation; however, he does not submit a filing fee or an IFP application or explain his failure to do so. ECF Nos. 11, 12. Instead, Plaintiff states that he wishes "he can live [his] life at home with all of [his] property," lists his property, and draws his home.

ECF No. 11. Before his deadline to timely object, Plaintiff filed a supplement to his objections, in which he states, among other things, that he is mentally disabled and has been "used for [his] social security money[,] land[,] home[, and] property...." ECF No. 12.

To date, Plaintiff has not submitted his filing fee or IFP application. Accordingly, the Court finds that Plaintiff's objections are not specific and will review the Report and Recommendation for clear error. See *Thompson v. Nix*, 897 F.2d 356, 358-59 (8th Cir. 1990) (instructing that objections must be timely and specific to trigger de novo review); see also *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir.

1996) (stating that the "clearly erroneous" standard of review applies to the portions of a magistrate's report and recommendation to which no objections have been made). Upon review, finding no clear error on the face of the record and that Judge Ford's reasoning is sound, the Court adopts the Report and Recommendation (ECF No. 10) in toto.

Accordingly, the Court finds that Plaintiff's Complaint (ECF No. 1) should be and hereby is DISMISSED WITHOUT PREJUDICE. IT IS SO ORDERED, this 9th day of June, 2026. /s/ Susan O. Hickey Susan O. Hickey Senior United States District Judge