

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION

WILLIAM PRUITT  
ADC #132782

PLAINTIFF

V.

NO. 1:08cv00060 SWW

CHANCE NORRIS, et al

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition received from Magistrate Judge Jerry Cavaneau and the objections filed in response, and has further reviewed the relevant record de novo. In his objections, plaintiff states that defendants carried out their threat and he received a major disciplinary and spent ten days in isolation. Thus plaintiff contends defendants did not merely threaten but in fact retaliated against him.

The Findings and Recommendations are adopted in their entirety as this Court's findings. Plaintiff fails to allege facts that establish the violation of a constitutionally protected right.

Accordingly, judgment shall be entered dismissing this complaint in its entirety, without prejudice. Any pending motions are denied as moot.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an in forma pauperis appeal from this order adopting the recommendations, and any judgment entered hereunder, would not be taken in good faith. Further, this dismissal counts as a "strike" as frivolous pursuant to 28 U.S.C. § 1915(g).

IT IS SO ORDERED this 14<sup>th</sup> day of January 2009.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE