

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
BATESVILLE DIVISION**

**MYRON T. SMITH**

**PLAINTIFF**

**v.**

**1:08CV00064-WRW-HDY**

**INDEPENDENCE COUNTY JAIL**

**DEFENDANT**

**ORDER**

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge H. David Young. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Recommended Disposition are approved and adopted in their entirety as this Court's findings in all respects.

Accordingly, Plaintiff's Complaint is DISMISSED without prejudice for failure to comply with Local Rule 5.5(c)(2). The Court further certifies that an *in forma pauperis* appeal taken from the Order and Judgment dismissing this action is considered frivolous and not in good faith.

IT IS SO ORDERED this 19<sup>th</sup> day of February, 2009.

/s/Wm. R. Wilson, Jr.  
UNITED STATES DISTRICT JUDGE