

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

**LOUIS HARRINGTON
ADC # 96313**

PLAINTIFF

V.

1:08CV00068 BSM

**MARVIN EVANS, Warden, North Central Unit,
Arkansas Department of Correction; and TINA
BRANSCUM, Officer, North Central Unit,
Arkansas Department of Correction**

DEFENDANTS

ORDER

The court has reviewed the proposed findings and recommended disposition submitted by United States Magistrate Judge H. David Young and plaintiff's objections. After carefully considering plaintiff's objections and making a *de novo* review of the record in this case, the court concludes that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety as this court's findings in all respects.

IT IS THEREFORE ORDERED that:

1. This action is DISMISSED WITH PREJUDICE, and any pending motions are denied as moot;
2. Dismissal of this action shall count as a "strike" for purposes of 28 U.S.C. § 1915(g);¹ and

¹ Title 28 U.S.C. § 1915(g) provides that: "In no event shall a prisoner bring a civil action or appeal a judgment in a civil action under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or

3. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from any Order adopting these recommendations would not be taken in good faith.

DATED this 27th day of January, 2009.



UNITED STATES DISTRICT JUDGE

fails to state a claim upon which relief may be granted”