

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

JEFFREY WEBB
ADC #551387

PLAINTIFF

v.

CASE NO. 1:09-cv-00037-JMM-JJV

CHRISTOPHER SMAY, Sgt., North Central
Unit, Arkansas Department of Correction

DEFENDANT

ORDER

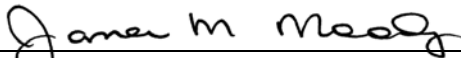
The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved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

IT IS, THEREFORE, ORDERED that:

1. Defendants' Motion for Summary Judgment (Doc. No. 44) is GRANTED.
2. Plaintiff's Complaint (Doc. No. 2) is DISMISSED without prejudice.
3. Plaintiff's official capacity claims are DISMISSED with prejudice.
4. 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 the accompanying Judgment would not be taken in good faith.

DATED this 10th day of May, 2011.



JAMES M. MOODY
UNITED STATES DISTRICT JUDGE