

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

SHANE ALAN BUTGEREIT

PLAINTIFF

V.

CASE NO. 1:09CV00060 SWW/BD

CITY OF HORSESHOE BEND, ARKANSAS

DEFENDANT

ORDER

The Court has received the Recommended Disposition from Magistrate Judge Beth Deere. The parties have not filed objections. After careful review of the recommendation, as well as a *de novo* review of the record, the Court concludes that the Recommended Disposition should be, and hereby is, approved and adopted as this Court's findings in all respects in its entirety.

Plaintiff's Complaint (docket entry #2) is DISMISSED WITHOUT PREJUDICE under 28 U.S.C. § 1915A. Plaintiff's motion for leave to proceed *in forma pauperis* (#1) is DENIED as moot. Plaintiff's motion for injunction or restraining order (#10) is DENIED.¹ The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action would be frivolous and not taken in good faith

IT IS SO ORDERED, this 3rd day of December, 2009.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

¹Plaintiff filed a motion for injunction or restraining order after the Magistrate Judge entered her Recommended Disposition, complaining of retaliation for this litigation.