

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

CHRISTOPHER D. ELLIOTT,
ADC # 510670

PLAINTIFF

V.

1:10-cv-00001-JMM-JJV

LARRY NORRIS, Director, Arkansas
Department of Correction, *et al.*

DEFENDANTS


ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe and the parties' objections. After carefully considering the 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. Plaintiff's cause of action is DISMISSED with prejudice for failure to state a claim upon which relief may be granted and his Motion for Reconsideration (Doc. No. 12) is DENIED.
2. Dismissal of this action will count as a "strike" for purposes of 28 U.S.C. § 1915(g);
3. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith.

DATED this 25 day of June, 2010.



JAMES M. MOODY
UNITED STATES DISTRICT JUDGE