

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

MICHAEL CHARLES NOLEN,
ADC # 131094

PLAINTIFF

v Case No. 1:10CV00006 JLH-JJV

J. HALPERN, Grimes Unit, Arkansas Department of Correction; BRENDA BRIDGEMAN, Mental Health, Grimes Unit, Arkansas Department of Correction; CARTER, Sgt., Grimes Unit, Arkansas Department of Correction; McCLOUD, Ms., Store Clerk, Grimes Unit, Arkansas Department of Correction; and HEIR, Maj., Grimes Unit, Arkansas Department of Correction

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe and the Plaintiff's 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.

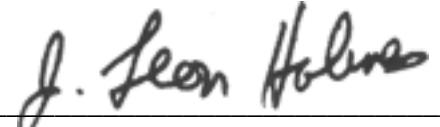
IT IS THEREFORE ORDERED that this action is DISMISSED and all pending motions are denied as moot, and that dismissal of this action counts as a "strike" for purposes of 28 U.S.C. § 1915(g).¹

IT IS FURTHER ORDERED that the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that

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

an *in forma pauperis* appeal from any Order adopting these recommendations would not be taken in good faith.

DATED this 28th day of May, 2010.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE