

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

JAMES H. LEE,
ADC #148133

PLAINTIFF

v.

1:11-cv-00008-SWW-JJV

MALISSA HOOD, Sgt., Independence
County Sheriff's Office; *et al.*

DEFENDANTS

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. Plaintiff's Complaint and Amended Complaint (Doc. Nos. 2, 3) is DISMISSED without prejudice for failure to state a claim upon which relief may be granted.
2. Dismissal of Plaintiff's Complaint and Amended Complaint constitutes a "strike" within the meaning of the Prison Litigation Reform Act (PLRA), 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 and the accompanying Judgment would not be taken in good faith.

DATED this 20th day of September, 2011.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE