

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

**MICHAEL D. ROBERTSON
ADC # 136346**

PLAINTIFF

V.

CASE NO.: 1:11CV00024 SWW/BD

JOE PAGE, III AND JOHN MAPLES, JR.

DEFENDANTS

ORDER

The Court has received the Recommended Disposition from Magistrate Judge Beth Deere. After careful review of the recommendation, the timely objections received thereto, 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.

Mr. Robertson's constitutional claims are DISMISSED with PREJUDICE for failure to state a claim for relief under 42 U.S.C. § 1983. The Court declines to exercise jurisdiction over Mr. Robertson's state law claim and DISMISSES that claim WITHOUT prejudice. This dismissal counts as a "strike" for purposes of 28 U.S.C. § 1915(g), and the Court certifies that an *in forma pauperis* appeal taken from this order and judgment would be frivolous and not taken in good faith.

IT IS SO ORDERED this 6th day of April, 2011.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE