

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

**BRIAN JAMES HICKS,
ADC #138964**

PLAINTIFF

v.

CASE NO. 1:11-cv-00047 BSM/JTR

ARKANSAS DEPARTMENT OF CORRECTION

DEFENDANT

ORDER

The proposed findings and recommended disposition [Doc. No. 6] submitted by United States Magistrate Judge J. Thomas Ray have been received. No objections have been filed. After carefully considering these documents and making a *de novo* review of the record, it is concluded that the proposed findings and recommended disposition [Doc. No. 6] should be, and hereby are, approved and adopted in their entirety in all respects.

IT IS THEREFORE ORDERED that:

1. The case is DISMISSED WITHOUT PREJUDICE, for failure to state a claim.
2. Dismissal constitutes a “strike” as defined by 28 U.S.C. § 1915(g).
3. Pursuant to 28 U.S.C. § 1915(a)(3), an *in forma pauperis* appeal from this order and the accompanying judgment would not be taken in good faith.

IT IS SO ORDERED this 9th day of August 2011.


UNITED STATES DISTRICT JUDGE