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

JOSH LAMAR HAYNES

PLAINTIFF

v. CASE NO: 1:12CV00119 BSM

DAVID LUCAS and MIKE SMITH

DEFENDANTS

ORDER

The proposed findings and recommended disposition [Doc. No. 6] submitted by United States Magistrate Judge Jerome T. Kearney and the objections thereto have been reviewed. After careful consideration and a *de novo* review of the record, it is found that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff Josh Haynes's complaint [Doc. No. 2] is dismissed without prejudice

for failure to state a claim upon which relief may be granted.

2. This dismissal is considered a "strike" within the meaning of the Prison

Litigation Reform Act, 28 U.S.C. Section 1915(g).

3. It is certified, pursuant to 28 U.S.C. Section1915(a)(3), that an in forma

pauperis appeal would not be taken in good faith.

Dated this 5th day of February 2013.

UNITED STATES DISTRICT JUDGE