

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

**MICHAEL WADE  
ADC #151652**

**PLAINTIFF**

**v.**

**No. 1:12-cv-140-DPM-JJV**

**MELVIN NANCE, Doctor, North Central  
Unit, Arkansas Department of Correction; et al.**

**DEFENDANTS**

**ORDER**

Magistrate Judge Joe J. Volpe has recommended, *Document No. 4*, that the Court dismiss Wade's complaint because the Eighth Amendment does not give Wade a right to the same pain-management regime he enjoyed as a free man. Wade has not objected. Reviewing for clear factual error and legal error, FED. R. CIV. P. 72(b) (1983 addition to Advisory Committee Note), the Court adopts Judge Volpe's recommendation as lightly modified. Wade's complaint is dismissed without prejudice. This dismissal is a strike. 28 U.S.C. § 1915(g). The Court does not certify, however, that an appeal would not be taken in good faith.

So Ordered.

*D.P. Marshall Jr.*

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**D.P. Marshall Jr.**  
**United States District Judge**

*28 February 2013*

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