

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

NATHANIEL PERRY
ADC #144831

PLAINTIFF

V. NO: 1:13CV00037 SWW

CHRISTOPHER T. BUDNIK *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge H. David Young. 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 is DISMISSED WITHOUT PREJUDICE for failure to comply with Local Rule 5.5(c)(2), failure to respond to the Court's order, and for failure to prosecute.
2. The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

DATED this 6th day of January, 2014.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE