

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

**CHELSEY MORNEE' PENIX,
ADC #710547**

PLAINTIFF

v.

Case No. 1:15-cv-00032-KGB-JJV

**JAMES BANKS, Senior Warden,
McPherson Unit, et al.**

DEFENDANTS

ORDER

The Court has received Proposed Findings and Recommendations from United States Magistrate Judge Joe Volpe (Dkt. No. 8). No objections were filed, and the time for filing objections has passed. After careful review of the Proposed Findings and Recommendations, the Court adopts them in their entirety as this Court's findings in all respects.

Accordingly, the Court dismisses without prejudice plaintiff's complaint for failure to state a claim upon which relief may be granted (Dkt. No. 2). Dismissal of this case counts as a "strike" for purposes of 28 U.S.C. § 1915(g).

Based on 28 U.S.C. § 1915(a)(3), an *in forma pauperis* appeal of this Order would not be taken in good faith.

IT IS SO ORDERED this 24th day of November, 2015.


KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE