

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

STANLEY K. BURKE, ADC # 151700

PLAINTIFF

v.

1:16CV00098-JLH

WENDY KELLEY, Director,
Arkansas Department of Correction; *et al.*

DEFENDANTS

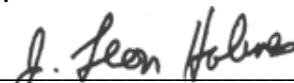
ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe. 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. Defendants Sergeant Queen, Stephen Williams, Major Keith Day, Marjorie Hall-Reed, Lisa Murray, and Does 1-3 are dismissed for failure to state a claim upon which relief may be granted.
2. Defendants' motion to dismiss is GRANTED and this cause of action is dismissed for failure to state a claim upon which relief may be granted. Document #41.
3. All pending motions are rendered moot.
4. Dismissal of this action constitutes a "strike" within the meaning of the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(g).
5. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith.

SO ORDERED this 28th day of February, 2017.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE