

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

ROSENDO MARTINEZ, JR.
#33908

PLAINTIFF

V.

NO: 2:08CV00183 JLH

HARRY LAPPIN *et al.*

DEFENDANTS

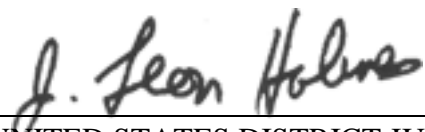
ORDER

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. Defendants' motion for summary judgment (docket entry #62) is GRANTED, and Plaintiff's complaint is DISMISSED WITHOUT PREJUDICE.
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 17th day of November, 2009.



UNITED STATES DISTRICT JUDGE