

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

ANTHONY PHINNEY
Reg. #31304-044; and
SEVERIN GUNDLACH,
Reg. #06458-025

PLAINTIFFS

V.

2:08CV00186 SWW/JTR

JOSEPH CROWDER,
Unit Counselor, FCI-Forrest City

DEFENDANT

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray. No objections have been filed. After careful review, 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 Phinney's Motion to Remand (docket entry #4) is DENIED.
2. Defendant's Motion to Substitute the United States as the Party Defendant and to Dismiss the Complaint (docket entry #10) is GRANTED, and this case is DISMISSED, WITH PREJUDICE.
3. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith.

Dated this 8th day of June, 2009.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE