

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

JAMES PENNY
ADC #106289

PLAINTIFF

V.

2:09CV00005 JMM/JTR

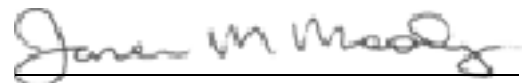
ESSIE E. CLAY,
Disciplinary Hearing Officer
East Arkansas Regional Unit, et al.

DEFENDANTS

JUDGMENT

Consistent with the Order that was entered on this day, it is CONSIDERED, ORDERED, and ADJUDGED that the Complaint is DISMISSED, WITH PREJUDICE, for failing to state a claim upon which relief may be granted. The dismissal constitutes a “strike” as defined by 28 U.S.C. § 1915(g). Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Judgment and the accompanying Order would not be taken in good faith.

Dated this 9th day of March, 2009.


UNITED STATES DISTRICT JUDGE