

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

**RANDY T. MAYO
ADC #134578**

PLAINTIFF

V.

2:09CV00066 BSM/JTR

**LARRY NORRIS, 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 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. Defendants' motion to dismiss (Doc. No. 17) is GRANTED, and this case is DISMISSED, WITH PREJUDICE, because plaintiff has failed to state a claim upon which relief may be granted.
2. Dismissal of this action CONSTITUTES a "strike," as defined by 28 U.S.C. § 1915(g).
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 4th day of December, 2009.



UNITED STATES DISTRICT JUDGE