

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

**AFTAB AHMED KHAN
Reg. #09260-062
a/k/a Aftab Khan Ahmed**

PLAINTIFF

V.

2:09CV00077 BSM-JTR

UNITED STATES OF AMERICA

DEFENDANT

ORDER

The court has received the partial recommended disposition submitted by Magistrate Judge J. Thomas Ray. The parties have not filed any objections. After reviewing the partial recommended disposition and reviewing the record *de novo*, it is concluded that the recommended disposition should be, and hereby is, approved and adopted in its entirety in all respects.

Accordingly, defendant's motion to dismiss (Doc. No. 9) and supplemental motion to dismiss (Doc. No. 14) are GRANTED as to plaintiff's assault claim and DENIED as to plaintiff's negligence claim. Plaintiff's assault claim is therefore DISMISSED, WITH PREJUDICE. In addition, it is CERTIFIED, 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.

IT IS SO ORDERED this 8th day of March, 2010.


UNITED STATES DISTRICT JUDGE