

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

**FRANK LEE FRANKLIN
ADC # 087441**

PLAINTIFF

V.

2:09-cv-00161-BSM-JJV

**T. CODY, Disciplinary Hearing Officer, East
Arkansas Regional Unit, Arkansas Dept. of Correction;
LATHAN ESTER, Disciplinary Hearing Officer, East
Arkansas Regional Unit, Arkansas Dept. of Correction;
GREG HARMON, Warden, East Arkansas Regional Unit,
Arkansas Dept. of Correction; JAMES GIBSON,
Disciplinary Hearing Administrator, East Arkansas
Regional Unit, Arkansas Dept. of Correction; and
LARRY NORRIS, Director, Arkansas Dept. of Correction**

DEFENDANTS

ORDER

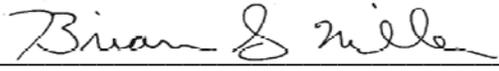
The court has reviewed the proposed findings and recommended disposition submitted by United States Magistrate Judge Joe J. Volpe and the parties' objections. After carefully reviewing the objections, recommended disposition, and the record *de novo*, it is concluded that the recommended disposition should be, and hereby is, approved and adopted in all respects in its entirety.

IT IS THEREFORE ORDERED that this action is DISMISSED, all pending motions are denied as moot, and that dismissal of this action shall count as a "strike" for purposes of 28 U.S.C. § 1915(g).¹

¹Title 28 U.S.C. § 1915(g) provides that: "In no event shall a prisoner bring a civil action or appeal a judgment in a civil action under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of

IT IS FURTHER ORDERED that the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from any Order adopting these recommendations would not be taken in good faith.

DATED this 21st day of January, 2010.


UNITED STATES DISTRICT JUDGE

the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted”