

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

**WILLIE LEE DAILEY
ADC #110112
A/K/A MALIK SHAHEED X**

PLAINTIFF

v.

CASE NO: 2:10cv00085 BSM/HDY

VALERIE WESTBROOK, et al.

DEFENDANTS

ORDER

The proposed findings and recommended disposition submitted by United States Magistrate Judge H. David Young, and the objections filed, have been reviewed. After carefully considering the objections and making a *de novo* review of the record in this case, it is concluded that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety in all respects.

In his objections, plaintiff Willie Lee Dailey (“Dailey”) states that he submitted an application for leave to proceed *in forma pauperis* on August 10, 2010. It appears, however, that the referred to *in forma pauperis* application was filed in another suit initiated by Dailey, *Dailey v. Hobbs*, Case No. 5:10cv00209 JLH/HDY. As stated in the proposed findings and recommended disposition, Dailey has not paid the filing fee or filed a fully completed application for leave to proceed *in forma pauperis*.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff’s complaint is DISMISSED WITHOUT PREJUDICE for failure to comply with Local Rule 5.5(c)(2), and failure to respond to the court’s order.

2. It is CERTIFIED that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

DATED this 6th day of October, 2010.



UNITED STATES DISTRICT JUDGE