

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

MALICH REED
REG. #28371-177

PLAINTIFF

V.

NO: 2:10CV00159 SWW

JOHN DOES

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge H. David Young, and the objections filed. After carefully considering the objections and making a *de novo* review of the of the relevant portion of the record (including viewing the video of the incident that is a subject of this action), see 28 U.S.C. § 636(b)(1)(C), 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.¹

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's complaint is DISMISSED WITH PREJUDICE for failure to introduce sufficient evidence to create a fact issue to be submitted to a jury.
2. The Court certifies 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 7th day of June 2012.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

¹ After he filed his objections, Plaintiff filed a motion to supplement the record [doc.#88] to include his affidavit in which he refers to the allegations of this action. The Court denies Plaintiff's motion as it and his affidavit are untimely and the allegations of his affidavit have already been raised by Plaintiff and addressed by the Magistrate Judge.