

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

**DANIEL CINCOSKI,
ADC # 143538**

PLAINTIFF

v.

Case No. 2:10-cv-188-DPM

**BURL, BALL, PETER EDWARDS,
JOHN LAU, C. WRIGHT and
RAY HOBBS**

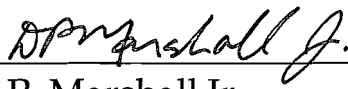
DEFENDANTS

ORDER

The Court has considered Magistrate Judge Joe J. Volpe's Proposed Finding and Recommendations, *Document No. 17*, and Daniel Cincoski's objections, *Document Nos. 19 & 20*. After *de novo* review, the court adopts Judge Volpe's recommended disposition as its own except the dismissal should be without prejudice. FED. R. CIV. P. 72(b)(3). Cincoski's claims are either too general, or where specific too fanciful, to be plausible. Cincoski's motions for appointed counsel, *Document Nos. 14 & 15*, and for a preliminary injunction, *Document No. 21*, are denied as moot.

Cincoski's amended complaint, *Document No. 13*, is dismissed without prejudice as frivolous and for failure to state a claim. This dismissal counts as a "strike" under 28 U.S.C. § 1915(g). The Court certifies that an *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.



D.P. Marshall Jr.
United States District Judge



13 June 2011