

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

**DAMIAN KIRBY  
REG# 04620-061**

**PLAINTIFF**

**v. No. 2:11-cv-14-DPM**

**T.C. OUTLAW, Warden; HOWARD, Captain;  
GARNER, Correctional Officer; HUDDLESTON,  
Correctional Officer; KILLINGSWORTH,  
Correctional Officer; McINTOSH, Lieutenant;  
STEEL, Lieutenant; CHATTERS, Lieutenant;  
RICOLCOL, Lieutenant; WHITE, Correctional  
Officer; PRUETT, Correctional Officer;  
LEATHERS, Correctional Officer;  
MAKOOL, Correctional Officer; DAVIS,  
Correctional Officer; BROCKWAY, Correctional  
Officer; ROTH, Correctional Officer; WARREN,  
Correctional Officer; GILLS, Correctional Officer;  
HANKS, Correctional Officer; COLEMAN,  
Correctional Officer; CLARK, Correctional Officer;  
THOMPSON, Correctional Officer; GRADY,  
Correctional Officer; HALK, Correctional Officer;  
MELVIN, Lieutenant; ROACH, Dentist; HOUSTON,  
Counselor; NORRIS, Case Manager; VAUGHN,  
Unit Manager; DOES, Lieutenants, Correctional Officers,  
Medical, Warden, Captain, SIS, Counselors,  
Case Managers, Unit Managers, etc., Federal  
Correctional Institution, Forrest City, all sued  
in their individual and official capacities**


**DEFENDANTS**

**ORDER**

Damian Kirby moves this Court to reconsider its 14 September 2011

order, *Document No. 89*, adopting Magistrate Judge Jerome T. Kearney's recommendation that Kirby's complaint be dismissed without prejudice. He again asks for a voluntary dismissal without prejudice, and again does not want a "strike" under the provisions of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g). Motion, *Document No. 92*, denied. The docket runs to ninety-plus entries. Kirby may not litigate with zeal and then avoid the reach of the Act. The dismissal counts as a "strike."

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

10 October 2011