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

JAMES GRACEY, ADC #85310

PLAINTIFF

V.

2:11CV00074 SWW/JTR

BARNES, Lieutenant, East Arkansas Regional Unit, Arkansas Department of Correction, et al.

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections. After carefully considering these documents and making a *de novo* review of the record in this case, 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.

IT IS THEREFORE ORDERED THAT:

- 1. Pursuant to the screening function mandated by 28 U.S.C. § 1915A, this case is DISMISSED, WITHOUT PREJUDICE, for failing to state a claim upon which relief may be granted.
- 2. Dismissal of this action CONSTITUTES a "strike," as defined by 28 U.S.C. § 1915(g).
- 3. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *informa pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith.

Dated this 20th day of May, 2011.

/s/Susan Webber Wright UNITED STATES DISTRICT JUDGE