

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

**ROY D. BURNS
ADC #91713**

PLAINTIFF

v.

CASE NO. 2:11CV00086 BSM/HDY

**DOTTIE YARBROUGH, Regional Infirmiry Manager,
East Arkansas Regional Unit,
Arkansas Department of Correction**

DEFENDANT

ORDER

The proposed findings and recommended disposition submitted by United States Magistrate Judge H. David Young [Doc. No. 70] have been reviewed. No objections have been filed. After carefully considering these documents and making a *de novo* review of the record, it is concluded that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety in all respects.

IT IS THEREFORE ORDERED that:

1. Defendant Dottie Yarbrough's motion for summary judgment [Doc. No. 66] is granted and plaintiff Roy Burns's complaint [Doc. No. 2] is dismissed without prejudice.
2. It is certified, pursuant to 28 U.S.C. § 1915(a)(3) than an *in forma pauperis* appeal would be frivolous and would not be taken in good faith.

An appropriate judgment shall accompany this order.

Dated this 12th day of December 2012.


UNITED STATES DISTRICT JUDGE