

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

TAVARUS MONTGOMERY,	*	
ADC #134297,	*	
	*	
Plaintiff,	*	
v.	*	
	*	No. 2:11-cv-00200-SWW-JJV
MARCUS ETHERLY, Lt. East Arkansas	*	
Regional Unit, Arkansas Department of	*	
Correction, <i>et al</i> ;	*	
	*	
Defendants.	*	

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed. After careful consideration, 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. Defendants' First and Second Motions to Dismiss (Doc. Nos. 23, 26) is GRANTED;
2. Plaintiff's cause of action is DISMISSED with prejudice.
3. This dismissal constitutes a "strike" within the meaning of the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(g).

SO ORDERED this 3rd day of December, 2012.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE