

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

DONALD WINNETT,
ADC #139544

PLAINTIFF

v.

No. 2:12CV00021 JLH-JJV

DANNY BURL, Warden, East Arkansas
Regional Unit, Arkansas Department of
Correction; *et al.*

DEFENDANTS

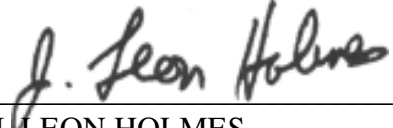
ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe and plaintiff's objections. After carefully considering the objections and making a *de novo* review of the record, 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. Plaintiff's complaint against defendants is DISMISSED for failure to state a claim, as barred by res judicata and collateral estoppel.
2. Dismissal of this action constitutes a "strike" for purposes of 28 U.S.C. § 1915(g).
3. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order adopting these recommendations and the accompanying Judgment would not be taken in good faith.

DATED this 28th day of March, 2012.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE