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

THOMAS STEVEN FLAHERTY ADC #115819 **PLAINTIFF**

v.

CASE NO. 2:12CV00103 BSM

AVERY G. COX, Corporal, East Arkansas Regional Unit, ADC

DEFENDANT

ORDER

The proposed findings and recommended partial disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections have been reviewed. After carefully considering these documents and making a *de novo* review of the record in this case, it is concluded that the proposed findings and recommended partial disposition should be, and hereby are, approved and adopted in their entirety in all respects.

IT IS THEREFORE ORDERED that:

1. Plaintiff's excessive force claim is DISMISSED WITH PREJUDICE.

2. It is further certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma* pauperis appeal from this order and the accompanying judgment would not be taken in good faith.

Dated this 12th day of September 2013.

INITED STATES DISTRICT HIDGE