

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

**CEDRIC AUSTIN  
ADC #116669**

**PLAINTIFF**

**v.**

**CASE NO: 2:12CV00189 BSM**

**JOYCE RENEE MITCHELL, et al.**

**DEFENDANTS**

**ORDER**

The proposed findings and recommended disposition [Doc. No. 5] submitted by United States Magistrate Judge H. David Young have been reviewed. No objections have been filed. After carefully considering these documents and making a *de novo* review of the record, it is found that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety.

**IT IS THEREFORE ORDERED THAT:**

1. Plaintiff Cedric Austin's complaint [Doc. No. 2] is dismissed with prejudice for failure to state a claim upon which relief may be granted.
2. This dismissal counts as a "strike" for purposes of 28 U.S.C. § 1915(g).
3. It is certified that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.
4. All other pending motions are denied as moot.

Dated this 18th day of October, 2012.

  
UNITED STATES DISTRICT JUDGE