

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

JESSIE S. BARBEE
ADC #107307

PLAINTIFF

v.

Case No. 2:13-cv-00034 KGB/HDY

**ARKANSAS DEPARTMENT
OF CORRECTION *et al.***

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommendations by United States Magistrate Judge H. David Young (Dkt. No. 47). No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Recommendations 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. The Court grants defendants' motion for summary judgment (Dkt. No. 39) and dismisses plaintiff Jessie Barbee's complaint.
2. The Court dismisses Mr. Barbee's complaint without prejudice with respect to his claims against the Doe defendants. The Court dismisses Mr. Barbee's complaint with prejudice in all other respects.
3. The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

SO ORDERED this the 30th day of March, 2015.



Kristine G. Baker
United States District Judge