

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

FREDERICK BANKS, REG #05711-068	*	
	*	
Plaintiff,	*	
v.	*	
	*	No. 2:13CV00070-SWW-JJV
W. ROBERTS, Correctional Officer,	*	
FCI-Forrest City; <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. Plaintiff's Application to Proceed Without Prepayment of Fees and Affidavit (Doc. No. 1) is DENIED.
2. The Complaint (Doc. No. 2) is DISMISSED without prejudice pursuant to the three strikes rule set forth in 28 U.S.C. § 1915(g).
3. If Plaintiff wishes to continue this case, he must submit within thirty (30) days of the entry of this Order: (a) the statutory filing fee of \$400, in full, to the Clerk, noting the case style and number; and (b) a motion to reopen the case.
4. The Court certifies, 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 2nd day of July 2013.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE