

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

**DANNY LEE ASHBY
ADC #076639**

PLAINTIFF

v.

CASE NO: 2:13CV00154 BSM

RAY HOBBS et al.

DEFENDANTS

ORDER

The proposed findings and recommended disposition submitted by United States Magistrate Judge H. David Young have been received. No objections have been filed. After careful consideration, it is concluded that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety in all respects.

IT IS THEREFORE ORDERED THAT:

1. Defendants' motion for summary judgment [Doc. No. 53] is granted, and plaintiff's complaint is dismissed.
2. Plaintiff's complaint is dismissed with prejudice with respect to his claims against defendants Cleaster D. Dean and the Arkansas Department of Correction, and dismissed without prejudice in all other respects.
3. It is further certified that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

DATED this 24th day of November 2014.


UNITED STATES DISTRICT JUDGE