

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

KORTEZ DAYVONE HOWARD

PLAINTIFF

v.

Case No. 2:15-cv-00084-KGB-JTR

MIXSON, Nurse,
East Arkansas Regional Unit, ADC

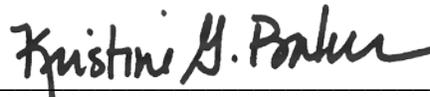
DEFENDANT

ORDER

The Court has received a Recommended Disposition from United States Magistrate Judge Tom Ray (Dkt. No. 6). Plaintiff KorteZ Dayvone Howard has filed an objection (Dkt No. 7). After careful review of the Recommended Disposition, the timely objections, and a *de novo* review of the record, the Court concludes that the Recommended Disposition should be, and hereby is, approved and adopted in its entirety as this Court's findings in all respects.

Accordingly, the Court dismisses without prejudice Mr. Howard's claims for failure to state a claim upon which relief may be granted. Dismissal of this case constitutes a "strike" within the meaning of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g).¹ The Court certifies that an *in forma pauperis* appeal from an Order and Judgment dismissing this case would not be taken in good faith, pursuant to 28 U.S.C. § 1915(a)(3).

SO ORDERED this 7th day of January, 2015.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE

¹ The statute provides that a prisoner may not file an *in forma pauperis* civil rights action or appeal if the prisoner has, on three or more prior occasions, filed an action or appeal that was dismissed as frivolous, malicious, or for failure to state a claim, unless the prisoner is under imminent danger of serious physical injury.