

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

NICHOLAS PENA-GONZALEZ
Reg. #22198-038

PLAINTIFF

v.

CASE NO. 2:19-CV-00004 BSM

UNITED STATES OF AMERICA, *et al.*

DEFENDANTS

ORDER

The proposed findings and recommendations (“RD”) from United States Magistrate Judge Joe J. Volpe [Doc. No. 29] has been received, and after carefully reviewing the entire record, the RD is adopted.

Defendants’ motion for summary judgment [Doc. No. 25] is granted. Pena-Gonzalez’s inadequate medical care claim is dismissed without prejudice. His excessive force and assault and battery claims are dismissed with prejudice, and this case is dismissed. An *in forma pauperis* appeal would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED this 6th day of April 2020.


UNITED STATES DISTRICT JUDGE