

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

JERRY L. GATER
Reg. #42525-044

PLAINTIFF

v.

CASE NO. 2:20-CV-00146-BSM

MICHAEL D. CARVAJAL, et al.

DEFENDANTS

ORDER

Having reviewed the entire record *de novo*, Magistrate Judge Joe J. Volpe's proposed findings and recommendations [Doc. No. 43] is adopted.

Defendants' motion to dismiss or, alternatively, motion for summary judgment [Doc. No. 39] is granted, and this case is dismissed with prejudice. This dismissal counts as a strike, and an *in forma pauperis* appeal would not be taken in good faith. *See* 28 U.S.C. §§ 1915 (a)(3), (g).

IT IS SO ORDERED this 8th day of March, 2021.


UNITED STATES DISTRICT JUDGE