

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

**STEPHON COLE  
ADC # 155855**

**PLAINTIFF**

**v.**

**Case No. 2:21-cv-00079-KGB**

**DEXTER PAYNE, *et al.***

**DEFENDANTS**

**ORDER**

Before the Court are the Proposed Findings and Recommendations (“Recommendation”) submitted by United States Magistrate Judge Joe J. Volpe (Dkt. No. 3). No objections have been filed, and the deadline to file objections has passed. Judge Volpe recommends that plaintiff Stephon Cole’s complaint be dismissed for failure to prosecute. After careful consideration, the Court concludes that the Recommendation should be, and hereby is, approved and adopted as this Court’s findings in all respects.

The Court dismisses without prejudice this case and 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.

It is so ordered this 2nd day of February, 2023.



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Kristine G. Baker  
United States District Judge