

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

**JARELL DAVIS TERRY
ADC #149998**

PLAINTIFF

v.

Case No: 2:23-CV-00130-LPR

**ELEY, *Mental Health Advisor,*
*EARU Max/Wellpath, ADC***

DEFENDANT

ORDER

The Court has reviewed the Recommended Disposition (RD) submitted by United States Magistrate Judge Jerome T. Kearney.¹ No objections have been filed, and the time for doing so has expired. After a *de novo* review of the RD and careful consideration of the case record, the Court hereby approves and adopts the RD in its entirety as this Court's findings and conclusions in all respects.

Accordingly, Plaintiff's Complaint (Doc. 2) is DISMISSED without prejudice. The Motion for Leave to Proceed *in forma pauperis* (Doc. 1) is DENIED.² If Plaintiff wishes to continue this case, he is required to submit the statutory filing and administrative fee of \$402.00 to the Clerk, noting the above case style and number, within fifteen (15) days of the date of this Order, together with a motion to reopen the case. Upon receipt of the motion and full payment, the case will be reopened. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order or the accompanying Judgment would not be taken in good faith.

¹ Doc. 4.

² After Judge Kearney issued his RD, Plaintiff filed a second IFP Motion (Doc. 5). That Motion is denied for the same reasons discussed in Judge Kearney's RD concerning the first IFP Motion. See Doc. 4 at 3–4. Additionally, Plaintiff's Motion to Amend Relief (Doc. 6) is denied as moot based on this Order of dismissal.

IT IS SO ORDERED this 13th day of November 2023.

A handwritten signature in black ink, appearing to read 'Lee P. Rudofsky', is written over a horizontal line.

LEE P. RUDOFSKY
UNITED STATES DISTRICT JUDGE