

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**JOSEPH ANTHONY JONES,
656351**

PLAINTIFF

v.

CASE NO. 3:09cv00214 BSM/JJV

**MICHAEL CLARK, Treatment Coordinator, Osceola
Department of Community Correction, et al.**

DEFENDANTS

ORDER

The court has reviewed the proposed findings and recommended disposition submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed. After careful consideration, it is concluded that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety as this court's findings in all respects.

IT IS THEREFORE ORDERED that this action is DISMISSED, all pending motions are denied as moot, and that dismissal of this action shall count as a “strike” for purposes of 28 U.S.C. § 1915(g). Title 28 U.S.C. § 1915(g) provides that

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted

. . .

Plaintiff’s claims against defendants Flores, Silliman, Hunt, and Kesraj, which should have been brought in United States District Court for the Western District of Arkansas, are dismissed without prejudice to plaintiff’s right to re-file those claims in a new case in the

proper court. The remainder of plaintiff's claims are dismissed with prejudice.

IT IS FURTHER ORDERED that the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from any order adopting these recommendations would not be taken in good faith.

DATED this 15th day of January, 2010.


UNITED STATES DISTRICT JUDGE