

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

JERRY HART

PLAINTIFF

V.

3:09CV00222 WRW

SHARON BEASLEY

DEFENDANT

ORDER

I have reviewed the Proposed Findings and Recommended Disposition¹ submitted by United States Magistrate Judge H. David Young, and the objections filed.² After carefully considering the objections and making a *de novo* review of the record in this case, the Court concludes 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:

1. Plaintiff's complaint is DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted.
2. All pending motions are DENIED AS MOOT.
3. This dismissal counts as a "strike" for purposes of 28 U.S.C. § 1915(g).
4. The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

DATED this 21st day of January, 2010.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹Doc. No. 6.

²Doc. No. 8.