

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

ERIC LAVELL MURRY,
ADC # 096072

PLAINTIFF

V.

3:10-CV-00071-JMM-JJV

DICK BUSBY, Sheriff, Crittenden
County; *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, 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 cause of action is DISMISSED with prejudice for failure to state a claim upon which relief may be granted and all pending Motions, including his request for the appointment of counsel (Doc. No. 18) are DENIED as moot.
2. Dismissal of this action shall count as a "strike" for purposes of 28 U.S.C. § 1915(g);
3. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order adopting the recommendations would not be taken in good faith.

DATED this 30 day of August, 2010.



JAMES M. MOODY
UNITED STATES DISTRICT JUDGE