

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

NATHANIEL L. FITZGERALD,
ADC #84210

PLAINTIFF

V. 3:10-cv-00237-JMM-JTK

DICK BUSBY, et al.

DEFENDANTS

ORDER

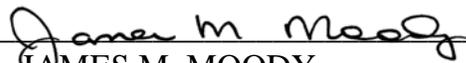
The Court has received proposed findings and recommendations from United States Magistrate Judge Jerome T. Kearney. After a review of those proposed findings and recommendations, and the timely objections received thereto, as well as a de novo review of the record, the Court adopts them in their entirety. Accordingly,

IT IS, THEREFORE, ORDERED that this action is hereby DISMISSED, and that dismissal of this action counts as a “strike” for purposes of 28 U.S.C. § 1915(g).¹

IT IS FURTHER ORDERED, pursuant to 28 U.S.C. § 1915(a)(3), that an in forma pauperis appeal from this Order and accompanying Judgment would not be taken in good faith.

An appropriate Judgment shall accompany this Order.

IT IS SO ORDERED this 10th day of November, 2010.



JAMES M. MOODY

UNITED STATES DISTRICT JUDGE

1

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”