

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

MELVIN STINNETT *et al.*
ADC #110536

PLAINTIFFS

V. NO: 3:10CV00244 SWW

RICHARD BUSBY *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge H. David Young. 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. Plaintiffs' complaint is DISMISSED WITHOUT PREJUDICE, and all pending motions are DENIED.
2. Plaintiff Herbert Holmes's claims are DISMISSED WITHOUT PREJUDICE for failure to pay the filing fee, failure to comply with Local Rule 5.5(c)(2), and failure to respond to the Court's order.
3. Plaintiff Melvin Stinnett's claims are DISMISSED WITHOUT PREJUDICE pursuant to the three-strikes provision of the Prison Litigation Reform Act ("PLRA"). Should Stinnet wish to continue this case, he must submit the statutory filing fee of \$350.00 to the Clerk of the Court, noting the above case style number, within thirty (30) days of the entry date of this order, along with

a motion to reopen the case. Upon receipt of the motion and full payment, Stinnett's case will be reopened.

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 31st day of January, 2011.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE