

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

LAWRENCE PAUL ANDERSON

PLAINTIFF

v.

3:10CV00248-WRW-JTK

JOHN VARNER, 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:

1. Plaintiff's Complaint against Defendants is DISMISSED without prejudice to Plaintiff's right to reassert his claim should his imprisonment be invalidated by a state tribunal or federal court.

2. Dismissal of Plaintiff's complaint constitutes a "strike" within the meaning of the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(g).

3. The Court certifies that an in forma pauperis appeal from an Order and Judgment dismissing this action would not be taken in good faith, pursuant to 28 U.S.C. § 1915(a)(3)

An appropriate Judgment shall accompany this Order.

IT IS SO ORDERED this 25th day of October, 2010.

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