

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

MICHAEL A. PEPPERS

PLAINTIFF

v.

CASE NO: 3:11CV00111 BSM/JTK

JACK MCKANN et al.

DEFENDANTS

ORDER

The proposed findings and recommended disposition submitted by United States Magistrate Judge Jerome T. Kearney have been reviewed. No objections were filed. After carefully considering this documents and making a *de novo* review of the record, it is concluded that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety in all respects.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's complaint is dismissed with prejudice for failure to state a claim.
2. This dismissal constitutes a "strike" within the meaning of the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(g).
3. It is certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is not in good faith.

An appropriate judgment shall accompany this order.

DATED this 21st day of September 2011.



UNITED STATES DISTRICT JUDGE