

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

BILLY MORGAN  
ADC #98138

PLAINTIFF

v.

No. 3:11CV00206 JLH-JJV

JOE BAKER, Sgt.,  
West Memphis Police Department; *et al.*

DEFENDANTS

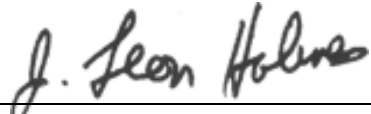
**ORDER**

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe and Plaintiff's objections. After carefully considering the objections and making a *de novo* review of the record, 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 Complaint (Doc. No. 2) is DISMISSED for failure to state a claim upon which relief may be granted.
2. The dismissal counts 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 the order and an accompanying judgment would not be taken in good faith.
4. Plaintiff's motion to amend is denied because the amendment would be futile.

DATED this 7th day of September, 2012.

  
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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE