

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

KEVIN MARTIN MITCHELL,  
ADC #500399

PLAINTIFF

v.

No. 3:13CV00031-JLH-JTK

LARRY MILLS, et al.

DEFENDANTS

**ORDER**

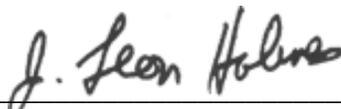
The Court has received proposed findings and recommendations from United States Magistrate Judge Jerome T. Kearney. After a review of those proposed findings and recommendations, and the timely objections received thereto, as well as a *de novo* review of the record, the Court adopts them in their entirety.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

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's complaint against defendants is DISMISSED with prejudice for failure to state a claim.
2. Dismissal of this action constitutes a "strike" within the meaning of the Prison Litigation Reform Act, 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 March, 2013.

  
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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE