

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

**JAMIE A. McPHERSON  
ADC #115330**

**PLAINTIFF**

**v.**

**No. 3:13-cv-82-DPM-JJV**

**JUSTIN KIMBLE,<sup>1</sup> Officer, Poinsett County  
Detention Center; BARBA DEXTER, Jailer,  
Poinsett County Detention Center; KIM  
MUSE, Accountant, Poinsett County Detention  
Center; BECKY HITT, Poinsett County Detention  
Center; and RON MARTIN, Poinsett County  
Detention Center**

**DEFENDANTS**

**ORDER**

The Court has considered Magistrate Judge Joe J. Volpe's proposed disposition, *No 19*.<sup>2</sup> McPherson has not objected. Recommendation adopted as modified. FED. R. CIV. P. 72(b)(3) (1983 addition to Advisory Committee Notes). Defendants' motion to dismiss, *No 15*, is granted. McPherson's

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<sup>1</sup> McPherson sued Justin Timberlan. Defendants state Justin Timberlan has been improperly identified and the correct Defendant is Justin Kimble. *No 15 at 1*.

<sup>2</sup> The Court received the parties' consent to a Magistrate Judge's handling the case to judgment after Judge Volpe filed the proposed findings and recommendations.

complaint is dismissed without prejudice for failure to state a claim. His motion for an injunction, *No 17*, is denied as moot. This dismissal is a strike.

28 U.S.C. § 1915(g).

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

29 October 2013