

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

**CHARLES BAUSEY
ADC #357214 and
JESSE BREWER**

PLAINTIFFS

v.

Case No. 3:14-cv-00293-KGB-JTK

CHANCEY SIMMONS, et al.

DEFENDANTS

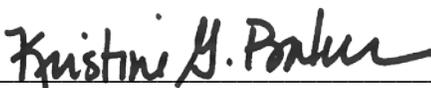
ORDER

The Court has received Proposed Findings and Recommendations from United States Magistrate Judge Jerome T. Kearney (Dkt. No. 10). There have been no objections, and the time to file any objections has passed. After a review of the Proposed Findings and Recommendations, the Court adopts them in their entirety.

It is therefore ordered that:

1. Plaintiffs' complaint against defendants Chancey Simmons and Michael Harris is dismissed with prejudice for failure to state a claim.
2. Plaintiffs' complaint against defendant Brett Duncan is dismissed without prejudice for failure to state a claim.
3. Dismissal of this action constitutes a "strike" within the meaning of the Prison Litigation Reform Act ("PLRA"), 28 U.S.C. § 1915(g).
4. 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).

SO ORDERED this 14th day of May, 2015.



Kristine G. Baker
United States District Judge