

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

**ERIC SWINK,  
ADC #161772**

**PLAINTIFF**

**v.**

**Case No. 3:15-cv-405 KGB/JJV**

**BLAIN KAGGLE, Jailer,  
Greene County Jail**

**DEFENDANT**

**ORDER**

The Court has reviewed the Proposed Findings and Recommendations submitted by United States Magistrate Judge Joe J. Volpe (Dkt. No. 5). No objections have been filed, and the time for filing objections has passed.<sup>1</sup> After careful review, the Proposed Findings and Recommendations are approved and adopted in their entirety as this Court's findings in all respects.

It is therefore ordered that:

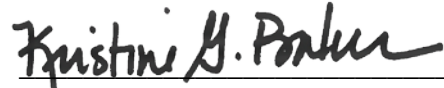
1. This case is dismissed without prejudice for failing to state a claim upon which relief may be granted.
2. Dismissal constitutes a strike, as defined by 28 U.S.C. § 1915(g).
3. It is certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith.

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<sup>1</sup> Plaintiff Eric Swink has filed two motions since Magistrate Volpe entered the Proposed Findings and Recommendations (Dkt. Nos. 7, 10). Neither filing objects to the Proposed Findings and Recommendations.

4. All pending motions are denied as moot (Dkt. Nos. 7, 10).

Dated this 3rd day of February, 2016.

Handwritten signature of Kristine G. Baker in black ink.

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Kristine G. Baker  
United States District Judge