

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

RUBBY JAMES GRAY

PLAINTIFF

v.

CASE NO. 3:17-CV-00293 BSM

K. BLACK, RN/LPN; et al.

DEFENDANTS

ORDER

The proposed findings and recommendations [Doc. No. 7] submitted by United States Magistrate Judge Joe J. Volpe and plaintiff Rubby Gray's objections [Doc. No. 9] thereto have been received. After *de novo* review of the record, the proposed findings and recommendations are adopted in their entirety. Accordingly, Gray's complaint is dismissed without prejudice for failure to state a claim upon which relief can be granted. Dismissal of this action counts as a "strike" for the purposes of 28 U.S.C. section 1915(g), and it is certified that an *in forma pauperis* appeal of this order and judgment would not be taken in good faith.

IT IS SO ORDERED this 4th day of December 2017.


UNITED STATES DISTRICT JUDGE