

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

**BOBBY LEE PHILLIPS, JR.
ADC #117315**

PLAINTIFF

v.

No. 3:21-cv-230-DPM

**WILLIAM STRAUGHN, Assistant
Director, Arkansas Department of
Correction; MOSES JACKSON, Warden,
Arkansas Department of Correction;
JOE PAIGE, Warden, Arkansas
Department of Correction**

DEFENDANTS

ORDER

The Court adopts Magistrate Judge Volpe's unopposed recommendation, *Doc. 4*. FED. R. CIV. P. 72(b) (1983 addition to advisory committee notes). Phillips's complaint will be dismissed without prejudice due to a lack of prosecution. The Court recommends that this dismissal count as a "strike" for purposes of 28 U.S.C. § 1915(g). An *in forma pauperis* appeal from this Order and accompanying Judgment would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

10 January 2022