

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

SHERMAN FRANCIS LEE
ADC #092543

PLAINTIFF

V.

NO. 4:08cv00627 JMM

LEROY BROWENLEE, et al

DEFENDANTS

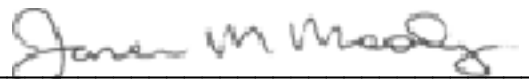
ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition received from Magistrate Judge Jerry Cavaneau. There have been no objections. The Findings and Recommendations are adopted in their entirety as this Court's findings.

Accordingly, judgment shall be entered dismissing Plaintiff's case, without prejudice. Any pending motions are denied as moot.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an in forma pauperis appeal from this order adopting the recommendations and any judgment entered hereunder, would not be taken in good faith. Additionally, pursuant to Armentrout v. Tyra, 175 F.3d 1023 (8th Cir. Feb. 9, 1999) (unpub. table op.), this action dismissed without prejudice under Heck v. Humphrey, 512 U.S. 477 (1994), counts as a "strike" pursuant to 28 U.S.C. § 1915(g).

IT IS SO ORDERED this 8th day of December, 2008.



UNITED STATES DISTRICT JUDGE