

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

JOHNTA Q. BARBER

PLAINTIFF

V.

4:08CV04117 GTE

T. SHOCK, Sgt., Faulkner County Detention
Center; J. GRAMTHOM, Sgt., Faulkner County
Detention Center; G. WILCOX, Lt., Faulkner County
Detention Center; and FRINTZ, Officer, Faulkner County
Detention Center

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge H. David Young. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED that:

1. This action is DISMISSED WITH PREJUDICE;
2. Dismissal of this action shall count as a “strike” for purposes of 28 U.S.C. § 1915(g);¹
3. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal

from any Order adopting these recommendations would not be taken in good faith.

¹ Title 28 U.S.C. § 1915(g) provides that: “In no event shall a prisoner bring a civil action or appeal a judgment in a civil action under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted”

DATED this ___1st___ day of December, 2008.

 /s/Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE