

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

DONNIE JAY QUALLS

PLAINTIFF

V.

4:09CV00313 SWW/JTR

JODI AHRENS, Registered Nurse,
Ozark Counseling Service; and
LINDA PARKER, Chief Psychiatrist,
Arkansas State Hospital

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections. After carefully considering these documents and making a *de novo* review of the record in this case, 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.¹

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's § 1983 Complaint is DISMISSED, WITHOUT PREJUDICE, for failing to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(e)(2).
2. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith.

Dated this 9th day of June, 2009.

¹The Court notes that Plaintiff filed almost identical claims against the defendants named here in the United States District Court for the Western District of Arkansas. *See Qualls v. Arkansas*, 2008 WL 2813328 (W.D. Ark.). The district court dismissed Plaintiff's claims as barred under *Heck v. Humphrey*, 512 U.S. 477 (1994) and for failure to state a claim, Plaintiff appealed, and the Eighth Circuit entered a judgement summarily affirming the district court. *Qualls v. State of Arkansas*, No. 08-3231 (8th Cir. February 26, 2009)(judgment summarily affirming dismissal).

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE