

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

DON MERCELEANY R. MAXWELL/"G"-DOFFEE,  
ADC #108778, et al.

PLAINTIFFS

4:09CV00321JMM/HLJ

STATE OF ARKANSAS, et al.

DEFENDANTS

ORDER

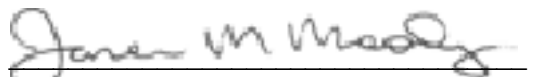
The Court has received proposed findings and recommendations from United States Magistrate Judge Henry L. Jones, Jr. After a review of those proposed findings and recommendations, and the timely objections received thereto, as well as a de novo review of the record, the Court adopts them in their entirety with the exception that the claims related to the mail policy against defendants Payne, Hobbs, and Norris are dismissed without prejudice to plaintiff filing these claims in case No. 4:07CV00669.<sup>1</sup> Accordingly,

IT IS, THEREFORE, ORDERED that plaintiffs' complaint against defendants is hereby DISMISSED, for failure to state a claim.

The Court hereby certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an in forma pauperis appeal taken from this decision is not in good faith.

An appropriate Judgment shall accompany this Order.

IT IS SO ORDERED this 10 day of June, 2009.

  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>As noted by this Court in case No.5:08CV00015 (Doc. # 167), plaintiff has been previously advised that he should file these claims against these defendants in case No. 4:07CV00669 and that contrary to his assertions, he has not been denied the ability to do so.