

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

**RICK R. RUBY**

**PLAINTIFF**

**V.**

**CASE NO. 4:10CV00069 WRW/BD**

**HALL, et al.**

**DEFENDANTS**

**ORDER**

The Court has received the Recommended Disposition from Magistrate Judge Beth Deere. The parties have not filed objections. After careful review of the recommendation, as well as a *de novo* review of the record, the Court concludes that the Recommended Disposition should be, and hereby is, approved and adopted as this Court's findings in all respects in its entirety.

Plaintiff's Complaint (#2) is DISMISSED WITHOUT PREJUDICE, and his motion for leave to proceed *in forma pauperis* (#1) is DENIED as moot. In addition, this Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action would be frivolous and not taken in good faith.

IT IS SO ORDERED, this 22nd day of February, 2010.

/s/ Wm. R. Wilson, Jr.  
UNITED STATES DISTRICT JUDGE