

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

JERAD KEITH DUNKIN

PLAINTIFF

v.

4:10-cv-00117-GTE-JJV

JACOB ZULPO, Correctional  
Officer, Wrightsville Unit, Arkansas  
Department of Correction, *et al.*

DEFENDANTS

**ORDER**

The Court has received proposed findings and recommendations from United States Magistrate Judge Joe J. Volpe. There have been no objections. After a review of those proposed findings and recommendations, the Court adopts them in their entirety. Accordingly,

IT IS, THEREFORE, ORDERED that:

1. Defendants' Motion for Summary Judgment (Doc. No. 25) is GRANTED.
2. Plaintiff's Complaint against Defendant Zulpo is DISMISSED without prejudice for failure to exhaust his administrative remedies.
3. Plaintiff's Complaint against Defendants Howell, Gibson, and Hobbs is DISMISSED without prejudice to his right to reassert his claim should his disciplinary be invalidated by a state tribunal or federal court.
4. Dismissal of Plaintiff's Complaint constitutes a "strike" within the meaning of the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(g).

An appropriate Judgment shall accompany this Order.

IT IS SO ORDERED this 29th day of November, 2010.

/s/ Garnett Thomas Eisele

G. THOMAS EISELE  
UNITED STATES DISTRICT JUDGE