

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

CARL LEE DAWSON, ADC #87095

PLAINTIFF

v.

Case No. 4:10-cv-534-DPM

**GARRY STEWART, Jail Doctor for
Faulkner County Detention Center;
and KARL BYRD, Sheriff, Faulkner
County Arkansas**

DEFENDANTS

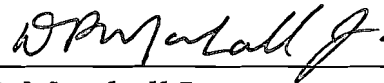
ORDER

The Court has considered Magistrate Judge J. Thomas Ray's Proposed Findings and Recommended Disposition – to which Carl Dawson filed timely and untimely objections – and conducted a *de novo* review of the record. The Court regrets the span of time Dawson's objections – most styled as a change of address – sat without formal action. But the legal issue is clear. The Court adopts Judge Ray's Proposed Findings and Recommended Disposition with one change. Dawson's complaint makes identical claims against the same defendants as his earlier-filed lawsuit, which remains pending in this Court. His duplicative complaint is therefore dismissed without prejudice and all pending motions are denied. The Court grants the dismissal without

prejudice to make clear that Dawson's claims remain alive for resolution on the merits in the earlier case.

An *in forma pauperis* appeal of this order and the subsequent judgment would be frivolous and not in good faith. This dismissal counts as a "strike" for purposes of 28 U.S.C. § 1915(g).

So Ordered.



D.P. Marshall Jr.
United States District Judge

21 Sept. 2010