

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

ADRIAN JERARD MAXWELL,
ADC# 124453,

Plaintiff,

v.

KARL BYRD, Sheriff, Faulkner
County; *et al.*,

Defendants.

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No. 4:10-cv-00903-SWW-JJV

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Recommended Partial Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS, THEREFORE, ORDERED that:

1. This cause of action is DISMISSED without prejudice.
2. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from an Order adopting these recommendation and the accompanying Judgment would not be taken in good faith.
3. All pending motions are DENIED as moot.

SO ORDERED this 14th day of September, 2012.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE