

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

**BILLY N. CULBERTSON
ADC #076385**

PLAINTIFF

v.

CASE NO. 4:11CV00013 BSM

STATE OF ARKANSAS et al.

DEFENDANTS

ORDER

The proposed findings and recommended disposition submitted by United States Magistrate Judge Joe J. Volpe have been reviewed. No objections have been filed. After careful consideration, it is concluded that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety in all respects.

IT IS THEREFORE ORDERED that:

1. Plaintiff's amended complaint [Doc. No. 10] is **DISMISSED** with prejudice as time barred and for failure to state a claim upon which relief may be granted.
2. Dismissal of plaintiff's amended complaint constitutes a "strike" for purposes of 28 U.S.C. § 1915(g).
3. Plaintiff's motion to amend/correct [Doc. No. 21] is **DENIED**.
4. It is further certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this order adopting the recommendation and the accompanying judgment would not be taken in good faith.

DATED this 21st day of March 2013.


UNITED STATES DISTRICT JUDGE

