

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

MITCHELL NEELY,

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Plaintiff,

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v.

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No. 4:11-cv-00419-SWW-JJV

CLAYTON EDWARDS, Captain, White  
County Jail; and DOES, Medical Staff, White  
County Jail

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Defendants.

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**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 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. Plaintiff’s Complaint (Doc. No. 2) is DISMISSED without prejudice for failure to state a claim upon which relief may be granted.
2. Dismissal of Plaintiff’s Complaint constitutes a “strike” within the meaning of the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(g).
3. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith.

DATED this 29<sup>th</sup> day of December, 2011.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE