

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
LITTLE ROCK DIVISION**

CHARLES ISAAC WILSON, JR.  
ADC #79592

PLAINTIFF

V.

NO: 4:12CV00059 SWW

ARKANSAS, STATE OF

DEFENDANT

**ORDER**

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge H. David Young, and the objections filed. After carefully considering the objections and making a *de novo* review of the record in this case, 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.

Plaintiff has also filed a Motion for Leave to Amend Impending Pleading [doc.#9] asking to “amend his impending pleading in accordance with 28 USC § 2254 with Ray Hobbs, Director of ADC as Respondent, or under Certiorari pursuant to 28 USC § 1257(c), or as this Court may deem....” Plaintiff’s motion is denied. Plaintiff is not precluded, however, from filing any other action he may desire, although the Court expresses no opinion on the merits of any such action (including whether any such action would survive jurisdictional, procedural, or substantive challenges).

IT IS THEREFORE ORDERED THAT:

1. Plaintiff’s complaint is DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted.
2. This dismissal counts as a “strike” for purposes of 28 U.S.C. § 1915(g).

3. Plaintiff's Motion for Leave to Amend Impending Pleading [doc.#9] is denied.

4. The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

DATED this 29<sup>th</sup> day of February 2012.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE