

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

ERIC DAVIS
ADC # 658363

PLAINTIFF

v.

No. 4:12-cv-144-DPM-HDY

WAYNE SMITH, Warden, Department
of Community Corrections, Texarkana, AR;
RICK HART, Director, Department of
Community Corrections; and DON WEBB,
Warden, Department of Community
Corrections, Little Rock, AR

DEFENDANTS

ORDER

The Court has considered Magistrate Judge Young's Proposed Findings and Recommendations, *Document No. 44*, and Davis's objections. Having reviewed the proposal for clear errors of fact on the face of the record, FED. R. CIV. P. 72(b) (Advisory Committee notes to 1983 addition), and for legal error, the Court adopts the proposal as its own.

The Court grants the Defendants' motion for summary judgment, *Document No. 34*. Davis's complaint is dismissed without prejudice. The Court certifies that an *in forma pauperis* appeal taken from this Order and

Judgment dismissing this action would be frivolous and not in good faith.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

9 October 2012