

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

ROY LEE RUSSELL

PLAIN  
TIFF

v.

4:12-cv-00292-SWW-JJV

KEITH FINCH, CID,  
Dumas Police Department; *et al.*,

DEFENDANTS

**ORDER**

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe and the Plaintiff's objections. After carefully considering the objections and making a de novo review of the record, 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. The Motion to Dismiss (Doc. No. 24) is GRANTED and the Complaint (Doc. No. 2) is DISMISSED with prejudice for failure to state a claim on which relief may be granted.
2. Dismissal of the 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.
4. All pending motions are DENIED as moot.

DATED this 22<sup>nd</sup> day of January, 2013.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE