

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

ANDRES GARCIA, ADC # 146619

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Plaintiff,

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v.

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No. 4:13CV00573-SWW-JJV

BRUCE PENNINGTON, Saline County
Sheriff; *et al.*,

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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 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 Complaint (Doc. No. 2) is DISMISSED without prejudice, pursuant to 28 U.S.C. § 1915A(b), for failure to state a claim upon which relief may be granted.
2. Dismissal of the Complaint constitutes a "strike" within the meaning of the Prison Litigation Reform Act, 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 an accompanying Judgment would not be taken in good faith.

DATED this 5th day of December, 2013.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE