

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

JOHNNY WHALEY, ADC # 113512

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Plaintiff,

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v.

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No. 4:14CV00061-SWW-JJV

CLAYTON EDWARDS; *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. 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 against Defendants is DISMISSED without prejudice, for failure to state a claim upon which relief may be granted.
2. This dismissal is considered a "strike" within the meaning of the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(g).
3. The Court certifies that, 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.

SO ORDERED this 9<sup>th</sup> day of June, 2014.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE