

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

**JOSH HAYNES
ADC #139661**

PLAINTIFF

V.

Case No: 4:15-cv-00196 KGB

WHITE COUNTY DETENTION CENTER

DEFENDANT

ORDER

The Court has reviewed the Proposed Findings and Recommendations submitted by United States Magistrate Judge Jerry W. Cavaneau (Dkt. No. 4). No objections have been filed, and the time for filing objections has passed. After careful consideration, the Court adopts the Proposed Findings and Recommendations with the modification that the dismissal of plaintiff Josh Haynes's complaint be without prejudice.

It is therefore ordered that:

1. The Court dismisses without prejudice plaintiff Josh Haynes's complaint 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. 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.

SO ORDERED this 24th day of November, 2015.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE