

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

**EDDIE LEE MCCLENDON,
ADC #096384**

PLAINTIFF

v.

4:15-cv-00343-KGB-JTR

**DOC HOLLADAY,
Pulaski County Sheriff, et al.**

DEFENDANTS

ORDER

The Court has received a Recommended Disposition from United States Magistrate Judge Tom Ray (Dkt. No. 7). No objections were filed, and the time for filing objections has passed.¹ After careful review, the Court approves and adopts the Recommended Disposition in its 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 (Dkt. No. 2).
2. Dismissal of this action constitutes a "strike" within the meaning of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g).
3. The Court certifies that an *in forma pauperis* appeal from an Order and Judgment dismissing this action would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3).

An appropriate Judgment shall accompany this Order.

SO ORDERED this 6th day of January, 2016.



Kristine G. Baker
United States District Judge

¹ The original mailing of a copy of the Recommended Disposition to plaintiff Eddie Lee McClendon was returned as undeliverable (Dkt. No. 8). After receiving notice of a change of address (Dkt. No. 9), the Clerk of the Court mailed another copy to Mr. McClendon's proper address on August 31, 2015. There is no indication on the record before the Court that Mr. McClendon has not received the Recommended Disposition, and the time to object has long since passed since it was mailed to his new address.