

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

DAVID WAYNE BOYLES

PLAINTIFF

v.

4:16-cv-00008-KGB-JTK

SCOTT MONTGOMERY, et al.

DEFENDANTS

ORDER

The Court has received Proposed Findings and Recommendations from United States Magistrate Judge Jerome T. Kearney (Dkt. No. 5). The Proposed Findings and Recommendations recommend that this Court dismiss without prejudice Mr. Boyles's complaint for failure to state a claim upon which relief can be granted. No objections to the Proposed Findings and Recommendations have been filed, and the time for filing objections has passed. After careful review, the Court adopts the Proposed Findings and Recommendations (Dkt. No. 5).

It is therefore ordered that Mr. Boyles's complaint is dismissed without prejudice. This dismissal be considered a "strike" within the meaning of the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(g). The Court certifies that an *in forma pauperis* appeal from this order and the corresponding judgment dismissing this action will not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3).

It is so ordered this 6th day of December, 2016.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE