

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

ROBERT EDWARD BERRY,
ADC #160002

PLAINTIFF

V.

4:16CV00268-SWW-JTK

ABRAHAM CARPENTER, et al.

DEFENDANTS

ORDER

The Court has received proposed findings and recommendations from United States Magistrate Judge Jerome T. Kearney. After a review of those proposed findings and recommendations, and the timely objections received thereto, as well as a de novo review of the record, the Court adopts them in their entirety. Accordingly,

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's Complaint against Defendants is DISMISSED without prejudice, to re-file after exhaustion of his available remedies.
2. Dismissal of this action constitutes a "strike" within the meaning of the Prison Litigation Reform Act (PLRA), 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).
4. All pending Motions are DENIED without prejudice as moot.

An appropriate Judgment shall accompany this Order.

IT IS SO ORDERED this 14th day of June, 2016.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE