

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

RYAN MCKINNEY, ADC #093714

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Plaintiff,

\*

v.

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No. 4:16CV00601-SWW

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JAMES FOSTER, Investigator,  
State of Arkansas; *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 (Doc. No. 2) is DISMISSED without prejudice for failure to state a claim upon which relief may be granted.
2. Dismissal of this action counts as a "strike" for purposes of 28 U.S.C. § 1915(g).
3. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith.

IT IS SO ORDERED this 14<sup>th</sup> day of September, 2016.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE