

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

**PHILLIP WILLYARD  
ADC #152418**

**PLAINTIFF**

**V.**

**CASE NO. 4:16-CV-742 SWW-BD**

**POPE COUNTY; DAVID GIBBONS, Prosecutor,  
Pope County; JAMES DUNHAM, Public Defender,  
Pope County; DENNIS SUTTERFIELD, Judge,  
Pope County Circuit Court**

**DEFENDANTS**

**ORDER**

The Court has received a Recommended Disposition (“Recommendation”) filed by Magistrate Judge Beth Deere. The parties have not filed objections. After careful review of the Recommendation, the Court concludes that the Recommendation should be, and hereby is, approved and adopted as this Court’s findings in all respects.

Mr. Willyard’s claims are DISMISSED, without prejudice, based on his failure to state a federal claim for relief. The dismissal counts as a “strike” for purposes of 28 U.S.C. § 1915(g), and an *in forma pauperis* appeal taken from this order and judgment dismissing this action is frivolous and would not be taken in good faith. The Clerk is directed to close this case.

IT IS SO ORDERED, this 9<sup>th</sup> day of January, 2017.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE