

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

JIMMY DALE JAMES

PLAINTIFF

v.

Case No: 4:17-cv-00285 KGB/JTK

KENNETH ALEXANDER ROSS

DEFENDANT


ORDER

The Court has received Proposed Findings and Recommendations from United States Magistrate Judge Jerome T. Kearney (Dkt. No. 9). There have been no objections. After a review of those Proposed Findings and Recommendations, the Court adopts them in their entirety (*Id.*).

It is therefore ordered that:

1. Plaintiff Jimmy Dale James' complaint is dismissed without prejudice for failure to state a claim upon which relief may be granted.
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 this Order and the accompanying Judgment would not be taken in good faith, pursuant to 28 U.S.C. § 1915(a)(3).

Dated this the 28th day of August, 2017.



Kristine G. Baker
United States District Judge