

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

SAM EDWARD THURMOND, SR.
ADC #127149

PLAINTIFF

V.

CASE NO: 4:17CV00314 JM

DELLWYN ELKINS, et al.

DEFENDANTS


ORDER

The Court has reviewed the Proposed Findings and Recommendations submitted by United States Magistrate Judge Jerome T. Kearney. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Recommendations 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 42 U.S.C. § 1983 claims are DISMISSED without prejudice.
2. Defendants' motion for summary judgment (Doc. No. 85) is DENIED as MOOT.
3. Plaintiff's state law claims are DISMISSED without prejudice.
4. Plaintiff's complaint is DISMISSED without prejudice.
5. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from any Order adopting this Recommendation and the accompanying Judgment would not be taken in good faith.

IT IS SO ORDERED this 4th day of April, 2019.



UNITED STATES DISTRICT JUDGE