

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

JAMES RYAN RODGERS
ADC#166943

PLAINTIFF

V.

NO: 4:17-cv-00469-SWW

DERRICK, Judge, White County,
Arkansas; *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommendation submitted by United States Magistrate Judge Joe J. Volpe and the filed objections. After conducting a *de novo* review of the record, the Court concludes that the Proposed Findings and Recommendations should be, and hereby are, approved and adopted in its entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED that:

1. Plaintiff's complaint (Doc. No. 1) be 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 adopting the Magistrate Judge's Proposed Findings and Recommendations would not be taken in good faith.

DATED this 23rd day of October, 2017.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE