

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

**KIRK DAVID HALCOMB
ADC #661266**

PLAINTIFF

V. CASE NO. 4:17-cv-00727 SWW-BD

FRANK SPAIN, Prosecuting Attorney, et al.

DEFENDANTS

ORDER

The Court has received and reviewed the Recommended Disposition (“Recommendation”) filed by Magistrate Judge Beth Deere. After a careful review of Mr. Halcomb’s timely objections, and upon a *de novo* review of the record, the Court concludes that the Recommendation should be, and hereby is, approved and adopted as this Court’s findings in all respects.

Mr. Halcomb’s claims are DISMISSED with prejudice for failure to state a claim for relief. The dismissal counts as a “strike” for purposes of purposes of 28 U.S.C. § 1915(g). Furthermore, the Court certifies that an *in forma pauperis* appeal from this dismissal would be frivolous and would not be in good faith. 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED, this 6th day of December, 2017.

/s/ Susan Webber Wright
UNITED STATES DISTRICT JUDGE