

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

THOMAS DORSEY BAILEY, III
ADC #148850

PLAINTIFF

V.

4:19CV00906-LPR-JTK

KANESHA N. GRANDY

DEFENDANT

ORDER

The Court has received proposed findings and recommendations from United States Magistrate Judge Jerome T. Kearney. Doc. 3. There have been no objections. After a review of those proposed findings and recommendations, the Court adopts them in their entirety.¹ Accordingly, it is ORDERED that:

1. Plaintiff's Complaint against Defendant is DISMISSED with prejudice as barred by res judicata and for failure to state a claim.

2. Dismissal of this action constitutes a "strike" within the meaning of the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(g).

3. The Court certifies that an *in forma pauperis* appeal from an Order and Judgment dismissing this action would not be taken in good faith, pursuant to 28 U.S.C. § 1915(a)(3).

An appropriate Judgment shall accompany this Order.

¹ To the extent Judge Kearney's previous decision and present decision suggest that verbal threats or sexual harassment without physical contact could never rise to the level of a constitutional violation, I do not believe this case requires the Court to address the breadth of those principles. It is enough to say that the allegations pled in this case would not rise to the level of a constitutional violation, even if proven. Plus, res judicata bars the claims.

IT IS SO ORDERED, this 6th day of January 2020.

Lee P. Rudofsky
UNITED STATES DISTRICT JUDGE