

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

DENARIUS M STALLINGS
ADC #155066

PLAINTIFF

v.

CASE NO. 4:22-CV-00579-BSM

GIBSON, et al.

DEFENDANTS

ORDER

This is a very difficult case to dismiss because plaintiff Denarius M. Stallings alleges that he was attacked by another inmate while he was in handcuffs and being escorted by prison officials. Further complicating this is that Stallings alleges that the prison officials knew the assailant was prone to this type of violence because the assailant had a history of attacking other inmates and prison officials.

Dismissal, however, is appropriate, notwithstanding Stallings's allegations and his objections [Doc. No. 13] to Magistrate Judge Jerome T. Kearney's proposed findings and recommendations [Doc. No. 12]. Consequently, Judge Kearney's recommended dismissal is adopted and Stallings' claims [Doc. No. 11] are dismissed without prejudice. It is recommended that this dismissal count as a "strike" for purposes of 28 U.S.C. section 1915(g). An *in forma pauperis* appeal of this order and corresponding judgment would not be taken in good faith.

IT IS SO ORDERED this 23rd day of November, 2022.


UNITED STATES DISTRICT JUDGE