

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

**ANTONIO SMITH
ADC #118127**

PLAINTIFF

VS.

4:22-CV-00681-BRW-JTK

AARON ROGERS, et al.

DEFENDANTS

ORDER

I have reviewed the Proposed Findings and Recommended Disposition (Doc. No. 5) submitted by United States Magistrate Judge Jerome T. Kearney. After carefully considering Mr. Smith's timely filed objections and making a *de novo* review of the record, I approve and adopt the Proposed Findings and Recommended Dispositio in all respects.

Accordingly, this case is DISMISSED without prejudice for failure to state a claim on which relief may be granted. The motion to appoint counsel (Doc. No. 6) is DENIED as moot.

Dismissal counts as a "strike" for purposes of 28 U.S.C. § 1915(g).

I certify, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from any Order adopting these recommendations and accompanying Judgment would not be taken in good faith.

IT IS SO ORDERED this 15th day of September, 2022.

Billy Roy Wilson
UNITED STATES DISTRICT JUDGE