

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

**ROBERT EARL PITTMAN**

**PLAINTIFF**

**v.**

**Case No. 4:23-cv-00031-KGB-PSH**

**JOSEPH GORMAN, *et al.***

**DEFENDANTS**

**ORDER**

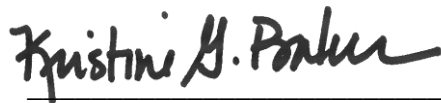
Before the Court are the Proposed Findings and Recommendation (“Recommendation”) submitted by United States Magistrate Judge Patricia S. Harris (Dkt. No. 10). Plaintiff Robert Earl Pittman has filed untimely objections to the Recommendation (Dkt. No. 12). After careful consideration of the Recommendation, the objections, and 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 (Dkt. No. 10). Mr. Pittman’s objections restate allegations in his complaint and fail to rebut the Recommendation.

Mr. Pittman has also filed a motion to amend his complaint and an addendum to the motion to amend his complaint (Dkt. Nos. 14; 15). Mr. Pittman, in his amended complaint, drops his claims against two defendants and names a new defendant. The addendum to his amended complaint seeks a medical remedy for his internal bleeding (Dkt. No. 15). Mr. Pittman’s claims in his amended complaint are substantively the same claims that he raises in his original complaint (Dkt. No. 14). Mr. Pittman claims that poison is being injected into his food causing internal bleeding and that there is a million-dollar bounty on his head (*Id.*, at 5). Mr. Pittman asserts that defendants Justin Baker and Joyce Marshall are consorting to kill him to obtain the million-dollar bounty (*Id.*). Mr. Pittman alleges that defendant Joseph Gorman condones Mr. Pittman’s food being poisoned and permitted an attacked by another inmate on December 11, 2022, to obtain the

million-dollar bounty (*Id.*). Mr. Pittman’s proposed amended complaint does not cure the deficiencies in the original complaint identified by Judge Harris in the Recommendation. For these reasons, the Court denies as futile Mr. Pittman’s motion to amend his complaint (Dkt. No. 14).

Accordingly, the Court adopts Judge Harris’s Recommendation as this Court’s findings in all respects (Dkt. No. 10). Mr. Pittman’s claims are dismissed without prejudice for failure to state a claim upon which relief may be granted. The Court recommends that this dismissal count as a “strike” for purposes of 28 U.S.C. § 1915(g). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith. The Court denies as futile Mr. Pittman’s motion to amend complaint and denies as moot Mr. Pittman’s second motion for leave to proceed *in forma pauperis* (Dkt. Nos. 14; 16).

So ordered this 26th day of March, 2024.



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Kristine G. Baker  
Chief United States District Judge