

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

**JOSHUA CUMMINGS  
ADC #172826**

**PLAINTIFF**

**v.**

**Case No: 4:24-cv-00699-JM-PSH**

**CUMMINS UNIT, ADC, *et al.***

**DEFENDANTS**

**ORDER**

The Court has reviewed the Proposed Findings and Recommendation submitted by United States Magistrate Judge Patricia S. Harris. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Recommendation should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED THAT:

1. Joshua Cummings's complaint is dismissed without prejudice for failure to state a claim upon which relief may be granted; and
2. The Court recommends for future jurists that dismissal of this action count as a "strike" within the meaning of 28 U.S.C. § 1915(g).
3. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from the order adopting this recommendation would not be taken in good faith.

DATED this 28<sup>th</sup> day of October, 2024.

  
UNITED STATES DISTRICT JUDGE