

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

PATRICK L. SHERMAN
ADC #96304

PLAINTIFF

V.

5:07CV000193 JMM/JTR

ARKANSAS DEPARTMENT OF
CORRECTION, and LARRY NORRIS,
Director, Arkansas Department of Correction

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections. The Court has considered all of plaintiff's objection including his contention that the three-strike provision set forth in 28 U.S.C. § 1915(g) is unconstitutional and finds them to be without merit. *See Higgins v. Carpenter*, 258 F.3d 797, 801 (8th Cir.2001) *cert. denied by Early v. Harmon*, 535 U.S. 1040, 122 S.Ct. 1803, 152 L.Ed.2d 659 (2002).

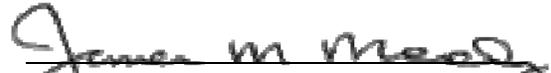
After carefully considering these documents and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Application to Proceed *In Forma Pauperis* (docket entry #1) is DENIED, pursuant to the three-strikes provision set forth in 28 U.S.C. § 1915(g).
2. The Complaint (docket entry #2) is DISMISSED, WITH PREJUDICE, pursuant to 28 U.S.C. § 1915A, for failing to state a claim upon which relief may be granted.

3. 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.

Dated this 8 day of August, 2007.


UNITED STATES DISTRICT JUDGE