

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

FLOYD WAYNE CARTER

PLAINTIFF

V.

CASE NO.: 5:08CV00222 JMM/BD

ARKANSAS DEPARTMENT OF CORRECTION

DEFENDANT

ORDER

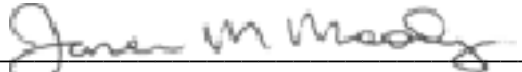
The Court has received the Recommended Disposition from Magistrate Judge Beth Deere and plaintiff's objections to the Recommended Disposition.

Plaintiff's has raised two issues in his objections. He contends that Arkansas Department of Corrections ("ADC") employees violated his rights by not following prison procedures and that the ADC has not adequately addressed his medical needs. Neither of these objections have any merit as failure to follow prison regulations does not state a claim for the deprivation of a constitutional right under § 1983 and plaintiff's complaints regarding his medical treatment are raised for the first time in this objection. *See Phillip v. Norris*, 320 F.3d 844, 847 (8th Cir. 2003) (no federal constitutional interest in having state officers follow prison regulations); *Johnson v. Jones*, 340 F.3d 624, 628 (8th Cir. 2003) (prisoner required to exhaust his claims through administrative process before making a § 1983 claim). In fact the record reflects that plaintiff has repeatedly stated that he had no complaints concerning his medical treatment.

After careful review of the Recommended Disposition, the timely objections filed thereto, as well as a *de novo* review of the record, the Court concludes that the Recommended Disposition should be, and hereby is, approved and adopted as this Court's findings in all respects in its entirety.

Accordingly, the Complaint (docket entry #2) is DISMISSED with prejudice. The dismissal will count as a "strike" for purposes of 28 U.S.C. § 1915(g). The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action would be frivolous and would not be taken in good faith.

IT IS SO ORDERED this 3 day of September , 2008.


UNITED STATES DISTRICT JUDGE