

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

**KENNETH EUGENE JACKSON
ADC #134048**

PLAINTIFF

V.

NO: 5:08CV00261 BSM

JOHN E. PORTER *et al.*

DEFENDANTS

ORDER

The court has reviewed the proposed findings and partial recommended disposition submitted by United States Magistrate Judge H. David Young. No objections have been filed. After careful consideration, the court concludes that the proposed findings and partial 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 complaint is DISMISSED WITHOUT PREJUDICE for failure to comply with Local Rule 5.5(c)(2) and for failure to respond to the court's order.
2. The court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

DATED this 4th day of December, 2009.


UNITED STATES DISTRICT JUDGE