

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

NATHAN D. MARBLEY  
ADC #110466

PLAINTIFF

V.

NO: 5:08CV00266 SWW

ROBERT SCOTT *et al.*

DEFENDANTS

**ORDER**

The Court has reviewed the Proposed Findings and 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 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. Defendants' motion for summary judgment (docket entry #29) is GRANTED, and Plaintiff's complaint is DISMISSED WITH PREJUDICE.

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 3<sup>rd</sup> day of December, 2009.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE