

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

LADELL JOHNSON SR.

PLAINTIFF

5:08CV00270-WRW-HDY

C RUSHING

DEFENDANT

JUDGMENT

Based on the Order filed this date, Judgment is entered dismissing this case without prejudice. The Court further certifies that an *in forma pauperis* appeal taken from the Order and Judgment dismissing this action is considered frivolous and not in good faith.

IT IS SO ORDERED this 23rd day of December, 2008.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE