

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

LADELL JOHNSON SR.

PLAINTIFF

5:08CV00270-WRW-HDY

C RUSHING

DEFENDANT

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 are approved and adopted in their entirety as this Court's findings in all respects. Plaintiff's Complaint is DISMISSED without prejudice for failure to comply with Local Rule 5.5(c)(2). All pending motions are DENIED as moot. Further, 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.

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

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