

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

DAMON HASKELL  
ADC # 610783

PLAINTIFF

V.

5:08CV00307 JMM

SHELIA MOSES, Secretary, I.P.S., Delta  
Regional Unit, Arkansas Department of Correction

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 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 (docket entry # 2) is DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted;
2. Dismissal of this action constitutes a "strike" for purposes of 28 U.S.C. § 1915(g);<sup>1</sup> and

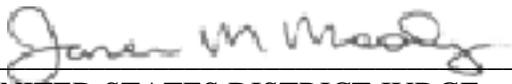
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Title 28 U.S.C. § 1915(g) provides that: "In no event shall a prisoner bring a civil action or appeal a judgment in a civil action under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted . . . ."

3. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from any Order adopting these recommendations would not be taken in good faith.

DATED this 8th day of December, 2008.

  
UNITED STATES DISTRICT JUDGE