

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

LOUIS G. SHAVERS, JR.
ADC #110167

PLAINTIFF

VS.

CASE NO.: 5:09CV00024 JLH/BD

RICKY TONEY

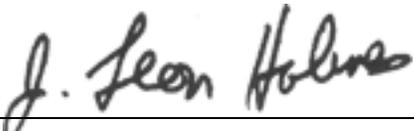
DEFENDANT

ORDER

The Court has received the Recommended Disposition from Magistrate Judge Beth Deere. The parties have not filed objections. After careful review, the Court concludes that the Recommended Disposition should be, and hereby is, approved and adopted as this Court's findings in all respects in its entirety.

Plaintiff's Complaint (docket entry #2) is DISMISSED WITH PREJUDICE under 28 U.S.C. § 1915A. The dismissal will count as a "strike" for purposes of 28 U.S.C. § 1915(g). The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action would be frivolous and not taken in good faith.

IT IS SO ORDERED this 17th day of February, 2009.



UNITED STATES DISTRICT JUDGE