

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

**JEFFREY LEE BOEN
ADC #140867**

PLAINTIFF

VS.

CASE NO.: 5:09CV00072 BSM/BD

**ARKANSAS DEPARTMENT
OF CORRECTION, et al.**

DEFENDANTS

ORDER

The court has received the Recommended Disposition from Magistrate Judge Beth Deere. The parties have not filed objections. After careful review of the Recommended Disposition, as well as a *de novo* review of the record, 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, and his motion for leave to proceed *in forma pauperis* (#1) is DENIED as moot. This dismissal will count as a "strike" for purposes of 28 U.S.C. § 1915(g), and 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 3rd day of April, 2009.


UNITED STATES DISTRICT JUDGE