

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

RICKEY GOLDEN
ADC # 136148

PLAINTIFF

V.

5:09-cv-00088-JMM-JJV

CAROL FRYE, Secretary, Arkansas Department of Correction, CLINTON HALL, Major, Diagnostic Unit, Arkansas Department of Correction; KEITH WADDLE, Disciplinary Hearing Officer, Arkansas Department of Correction; JAMES GIBSON, Disciplinary Hearing Officer, Arkansas Department of Correction; and LARRY NORRIS, Director, Arkansas Department of Correction

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe and the objections. After carefully considering Plaintiff's objections and making a *de novo* review of the record in this case, 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.

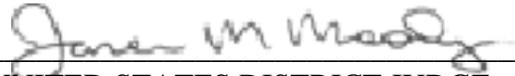
IT IS THEREFORE ORDERED that:

1. This action is DISMISSED and all pending motions are DENIED as moot;
2. Dismissal of this action shall count as a "strike" for purposes of 28 U.S.C. § 1915(g);¹ and

¹ 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

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 27th day of October, 2009.


UNITED STATES DISTRICT JUDGE

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