

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

**BILLY CHARLES AARON
ADC #110649**

PLAINTIFF

v.

5:09-cv-00118-BSM-JJV

GRANT HARRIS, Warden, Varner Unit, Arkansas Department of Correction; THOMAS W. HURST, Asst. Warden, Varner Unit, Arkansas Department of Correction; GARY L. NALLS, Sgt., Delta Regional Unit, Arkansas Department of Correction; CHRIS COODY, Hearing Officer, Central Office, Arkansas Department of Correction; RAY HOBBS, Director, Arkansas Department of Correction; JOHN WHALEY, III, Deputy Warden, Varner Unit, Arkansas Department of Correction; REVONNA WALKER, Classification Officer, Varner Unit, Arkansas Department of Correction; and LARRY B. 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 of the parties. After carefully considering the 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 this action is DISMISSED, all pending motions are denied as moot, and that dismissal of this action shall count as a "strike" for purposes of

28 U.S.C. § 1915(g).¹

IT IS FURTHER ORDERED that 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 1st day of December, 2009.

A handwritten signature in cursive script that reads "Brian S. Miller". The signature is written in black ink and is positioned above a horizontal line.

UNITED STATES DISTRICT JUDGE

¹Title 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”