

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

**CALVIN LEE MARSHALL,
ADC #90207**

PLAINTIFF

v.

CASE NO.: 5:09-cv-00128 BSM/JJV

ANTHONY BURDEN, et al

DEFENDANTS

ORDER

The proposed findings and recommended disposition submitted by United States Magistrate Judge Joe J. Volpe have been received. The objections have been received. After carefully considering these documents and making a *de novo* review of the record, it is concluded that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety in all respects.

IT IS THEREFORE ORDERED that:

1. Plaintiff's complaint is DISMISSED without prejudice due to his failure to exhaust available administrative remedies.
2. It is certified, pursuant to 28 U.S.C. § 1915(3), that an *in forma pauperis* appeal from this order would not be taken in good faith.

Dated this 20th day of December, 2010.


UNITED STATES DISTRICT JUDGE