

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

FREDERICK PENNINGTON
ADC #71305

PLAINTIFF

V.

NO: 5:09CV00205 JMM/HDY

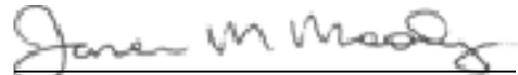
ROBERT SMILEY *et al.*

DEFENDANTS

JUDGMENT

Pursuant to the order filed this date, judgment is entered dismissing this case without prejudice. The Court certifies, pursuant to 28 U.S.C. 1915(a)(3), that an *in forma pauperis* appeal from its order and this judgment entered thereunder, would not be taken in good faith.

DATED this 24th day of July, 2009.


UNITED STATES DISTRICT JUDGE