

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

LEONARD NOBLE
ADC #84701

PLAINTIFF

V.

NO: 5:09CV00206 JMM

BRIAN LEVENGOOD *et al.*

DEFENDANTS

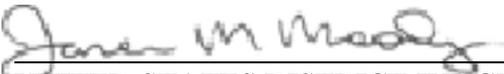
ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge H. David Young, and the objections filed. 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:

1. Defendants' motion to dismiss (docket entry #15) is GRANTED, and Plaintiff's complaint is DISMISSED WITHOUT PREJUDICE.
2. The Court CERTIFIES that an *in forma pauperis* appeal from the order and judgment dismissing this action is considered frivolous and not in good faith.
3. All pending motions are DENIED AS MOOT.

DATED this 10th day of September, 2009.


UNITED STATES DISTRICT JUDGE