

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

**RUFUS GRAY,
ADC #141375**

PLAINTIFF

v.

5:09cv00214 BSM/JTR

**PAGE, Sergeant, Cummins Unit,
Arkansas Department of Correction, et al.**

DEFENDANTS

ORDER

The court has reviewed the proposed findings and recommended partial disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections. After carefully considering these documents and making a *de novo* review of the record in this case, it is concluded that the proposed findings and recommended partial 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. Plaintiff's motion for summary judgment [Doc. No. 34] is DENIED.
2. The court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this order would not be taken in good faith.

Dated this 19th day of January, 2010.


UNITED STATES DISTRICT JUDGE