

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

BRIAN WEBB, ADC #141031

PLAINTIFF

v.

NO. 5:09CV00215 JLH

MAURICE CULCLAGER, Lt., Maximum  
Security Unit, Arkansas Dept. of Correction, *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 of Brian Webb. The Court has listened to the recording of the evidentiary hearing in its entirety and has reviewed defendants' Exhibits 1-7.<sup>1</sup> Upon *de novo* review, 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.

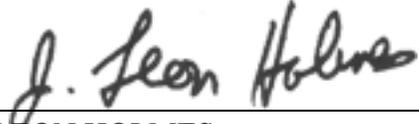
IT IS THEREFORE ORDERED THAT:

1. Plaintiff's complaint is DISMISSED WITH PREJUDICE with respect to his claims of excessive force used on May 26, 2009, and WITHOUT PREJUDICE in all other respects.
2. All pending motions are DENIED AS MOOT.
3. The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

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<sup>1</sup> The plaintiff introduced two exhibits at the evidentiary hearing. The exhibits were returned to the parties when Judge Young issued his Proposed Findings and Recommended Disposition. On May 21, 2010, the Court wrote to the parties and asked them to send the exhibits. The Court received exhibits from defendants' counsel but not from the plaintiff. Consequently, the Court has not seen the plaintiff's exhibits, but the substance of them is evident from the tape-recorded testimony.

IT IS SO ORDERED this 2nd day of June, 2010.

Handwritten signature of J. Leon Holmes in black ink.

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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE