

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

WALTER HAYNES
ADC # 111110

PLAINTIFFS

and

MICHAEL ST. CLAIR
ADC # 118671

V. 5:09-CV-00273 WRW-JJV

LARRY MAY, Deputy Asst. Director,
Arkansas Department of Correction; DAVID
WHITE, Deputy Warden, Maximum Security Unit,
Arkansas Department of Correction; C. WOODS,
Nurse, Maximum Security Unit, Arkansas Department
of Correction; BLEDSOE, Sgt., Maximum Security
Unit, Arkansas Department of Correction; and
MURPHY, Supervisor, Maximum Security
Unit, Arkansas Department of Correction

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe and the objections of the parties. 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 this action is DISMISSED with prejudice, and dismissal of this action shall count as a “strike” for purposes of 28 U.S.C. § 1915(g).¹ All pending motions are DENIED as moot.

The Court FURTHER CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order and Judgment would not be taken in good faith.

DATED this 29th day of September, 2009.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹ Title 28 U.S.C. § 1915(g) provides that: “In no event shall a prisoner bring a civil action or appeal a judgment in a civil action under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted