

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

**LESTER BROWN  
ADC #137598**

**PLAINTIFF**

**v.**

**CASE NO. 5:09cv00285 BSM**

**EARLY J. EVERRETT, JR., et al.**

**DEFENDANTS**

**ORDER**

The court has reviewed the proposed findings and partial recommended disposition submitted by United States Magistrate Judge H. David Young, and the objections filed. After carefully considering the objections, and reviewing the record *de novo*, it is concluded that the proposed findings and partial recommended disposition should be, and hereby are, approved and adopted in their entirety. Further, in his objections it seems that the plaintiff is attempting to put forth new claims of mail fraud and forgery. These claims, however, have no impact on the partial recommended disposition or the claims raised in this case.

**IT IS THEREFORE ORDERED THAT:**

1. Defendants' motion for summary judgment [Doc. No. 10] is GRANTED, and plaintiff's complaint is DISMISSED WITH PREJUDICE with respect to his claims regarding the allegedly false disciplinary charge, and failure to follow prison policy; and plaintiff's complaint is DISMISSED WITHOUT PREJUDICE in all other respects.

2. 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.

DATED this 23rd day of February, 2010.

*Brian S. Miller*

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UNITED STATES DISTRICT JUDGE