

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

DON MERCELEANY R.
MAXWELL/G-DOFFEE
ADC #108778

PLAINTIFF

V.

NO: 5:09CV00295 JMM

ALLEN *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 for summary judgment (docket entry #48) is GRANTED, and Plaintiff's complaint is DISMISSED WITH PREJUDICE.
2. Plaintiff's motion for summary judgment (docket entry #56) is DENIED.
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.

DATED this 17th day of November, 2011.


UNITED STATES DISTRICT JUDGE