

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

**DAVID COX
ADC # 800083**

PLAINTIFF

v.

5:09-cv-00300-BSM-JJV

**LARRY NORRIS, Director, Arkansas Department
of Correction; ROY AGEE, Interstate Compact
Administrator, Arkansas Department of Correction; and
ELIZABETH RICE, Interstate Compact Administrator,
Kansas 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 Plaintiff's objections. 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 should be noted that in his objection, plaintiff clarified his religious freedom claim to state that he has attempted to utilize the grievance procedures to obtain spiritual items, such as a medicine bag, prayer feather, ceremonial pipe, and tom-toms. Attached to plaintiff's complaint is a letter from Chaplain Wilson stating, "The Native American items are being reviewed by the Ad-Hoc Committee. I will let you know something when I know something." Plaintiff has failed, however, to name a defendant that he alleges is responsible for the alleged religious freedom violation. Therefore, this claim is dismissed.

IT IS THEREFORE ORDERED that this action is DISMISSED, 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 16th day of December, 2009.


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”