

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

**DENNIS JAMES SMITH, SR.,  
ADC #120631**

**PLAINTIFF**

**v.**

**5:09CV00307BSM/HLJ**

**GEORGE EDWARD BARNES, SR., et al.**

**DEFENDANTS**

**JUDGMENT**

Pursuant to the Memorandum and Order entered in this matter on this date, it is considered, ordered and adjudged that this case be, and it is hereby, **DISMISSED** with prejudice, for failure to state a claim. The relief sought is denied.

The Court hereby certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an in forma pauperis appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

IT IS SO ORDERED THIS 22nd day of December, 2009.

  
UNITED STATES DISTRICT JUDGE