

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

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

PLAINTIFF

V.

NO: 5:09CV00325 SWW/HDY

ANGELA TYLER *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Partial Recommended Disposition (docket entry #73) and Proposed Findings and Recommended Disposition (docket entry #82) 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 Partial Recommended Disposition (docket entry #73) and Proposed Findings and Recommended Disposition (docket entry #82) should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED that Defendants' motion for summary judgment (docket entry #61) is DENIED.

IT IS FURTHER ORDERED that Plaintiff's complaint is DISMISSED WITH PREJUDICE. 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.

IT IS FURTHER ORDERED that Plaintiff's motions for copies (docket entries #84, #86)

are DENIED.¹

IT IS SO ORDERED THIS 15TH DAY OF DECEMBER, 2011.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE

¹Plaintiff requests copies of docket entries #79 and #80. Docket entry #79, is merely a Clerk's certificate of mailing, and docket entry #80 is a minute entry noting the fact that an evidentiary hearing was held in this case on October 17, 2011.