

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

**WILLIE GASTER DAVIS, JR.
ADC # 109028**

PLAINTIFF

v. CASE NO. 5:09-cv-00338 BSM/JTR

SKIPPY LEEK, Desha County District Clerk

DEFENDANT

ORDER

The proposed findings and recommended disposition submitted by United States Magistrate Judge J. Thomas Ray [Doc. No. 76] were received and adopted in November 2010. The defendant then moved to reconsider the adoption of the Magistrate's recommended disposition on the grounds that he never received the recommended disposition. That motion was granted [Doc. No. 82]. Two months later, plaintiff responded [Doc. No. 85] the Magistrate Judge's recommendations. After carefully considering these documents and making a *de novo* review of the record, including the plaintiff's objections, it is concluded that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety in all respects.

IT IS THEREFORE ORDERED that:

1. Defendant's motion for summary judgment [Doc. No. 61] is GRANTED, and the case is DISMISSED with prejudice.

2. Plaintiff's motion for reconsideration [Doc. No. 93] of the magistrate's order [Doc. No. 91] denying his motion to amend his complaint, to grant him an extension of time to file, and for leave to appeal *in forma pauperis*, is DENIED.

2. It is certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal would not be taken in good faith.

IT IS SO ORDERED this 3rd day of May, 2011.



UNITED STATES DISTRICT JUDGE