

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

LaWAYNE NATT
ADC #119599

PLAINTIFF

V.

NO: 5:09CV00374 JMM

DONALD TATE *et al.*

DEFENDANTS


ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge H. David Young. No objections have been filed. After careful consideration, 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. Plaintiff's complaint is DISMISSED for failure to introduce sufficient evidence to create a fact issue to be submitted to a jury.
2. Plaintiff's complaint is DISMISSED WITHOUT PREJUDICE with respect to Defendants Donald Tate, Gaylon Lay, Larry Norris, Jrod Price, Danny Burl, and Darren Dill.
3. Plaintiff's complaint is DISMISSED WITH PREJUDICE with respect to Defendants Eddie Knight and Climestene Owens.
4. 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 12th day of October, 2010.


UNITED STATES DISTRICT JUDGE