

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

**DARRYL JACKSON  
ADC #76647**

**PLAINTIFF**

**V.**

**CASE NO.: 5:10CV000078 SWW/BD**

**M. AUSTIN, et al.**

**DEFENDANTS**

**ORDER**

The Court has received the Recommended Disposition from Magistrate Judge Beth Deere. After careful review of the recommendation, the timely objections received thereto, as well as a *de novo* review of the record, the Court concludes that the Recommended Disposition should be, and hereby is, approved and adopted as this Court's findings in all respects in its entirety.

Plaintiff's claims are DISMISSED WITHOUT PREJUDICE. In addition, Plaintiff's Application for Leave to Proceed *In Forma Pauperis* is DENIED [doc.#1] as moot. Finally, Plaintiff's motion for the appointment of counsel is DENIED [doc.#5]. The Court certifies that an appeal of this matter would be frivolous and not taken in good faith.

IT IS SO ORDERED, this 14<sup>th</sup> day of April 2010.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE