

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

TROY RODDY
ADC #103051

PLAINTIFF

v.

No. 5:10CV00140 JLH/JTR

CONNIE HUBBARD,
ANP/Acting Director, Varner Unit, et al.

DEFENDANTS

ORDER

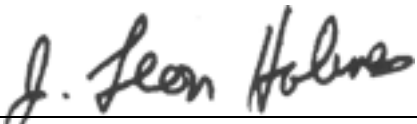
The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections. After carefully considering these documents and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings 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. The CMS Defendants' Motion for Summary Judgment (docket entry #121) be GRANTED, and that the case be DISMISSED, WITHOUT PREJUDICE, due to Plaintiff's failure to timely and properly exhaust his administrative remedies.

2. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith.

DATED this 2nd day of May, 2011.



UNITED STATES DISTRICT JUDGE