

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

**JAMES EDWARD SMITH  
ADC #103093**

**PLAINTIFF**

v.

**CASE NO. 5:10CV00220 BSM/JTR**

**RAY HOBBS, Director,  
Arkansas Department of Correction et al.**

**DEFENDANTS**

**ORDER**

The proposed findings and recommended disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections have been reviewed. After carefully considering these documents and making a *de novo* review of the record, 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. Pursuant to the screening function mandated by 28 U.S.C. § 1915A, this case is dismissed, without prejudice, for failing to state a claim on which relief may be granted.
2. Dismissal of this action constitutes a “strike,” as defined by 28 U.S.C. § 1915(g).
3. It is certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this order and the accompanying judgment would not be taken in good faith.

Dated this 25th day of April, 2011.

  
UNITED STATES DISTRICT JUDGE