

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

**DONALD CLAY BILES
ADC #79241**

PLAINTIFF

v.

Case No. 5:10-cv-237-DPM

**DAY, Captain, Cummins Unit,
ADC; CRYSTAL WOOD, Classification
Officer, Cummins Unit, ADC; BURLS,
Warden, East Arkansas Regional Unit,
ADC; and CLAY, Disciplinary Hearing
Officer, East Arkansas Regional Unit, ADC**

DEFENDANTS

ORDER

The Court has carefully reviewed the Proposed Findings and Recommendations from Magistrate Judge H. David Young. Biles has not filed any objections. The Court sees no legal error or clear error of fact on the face of this record as a whole. FED. R. CIV. P. 72(b) (advisory committee notes to 1983 addition). The Court therefore adopts Magistrate Judge Young's proposed findings and recommendations, *Document No. 8*, as its own. Biles's complaint is dismissed with prejudice against all Defendants for failure to state a claim. This dismissal counts as a "strike" for purposes of 28 U.S.C.A. § 1915(g) (West 2006). The Court certifies that an *in forma pauperis* appeal

from this Order would not be taken in good faith. 28 U.S.C.A. § 1915(a)(3)
(West 2006).

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

28 Oct. 2010