

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

**JACK FREEMAN,
ADC #140176**

PLAINTIFF

v.

CASE NO. 5:10CV00259 BSM/JJV

**DAVID WHITE, Warden,
North Central Unit, Arkansas Department
of Correction, et al.**

DEFENDANTS

ORDER

The proposed findings and recommended disposition submitted by United States Magistrate Judge Joe J. Volpe 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 partial disposition should be, and hereby are, approved and adopted in their entirety in all respects.

IT IS THEREFORE ORDERED that:

1. Plaintiff Jack Freeman's complaint should be DISMISSED with prejudice for failure to state a claim upon which relief can be granted or as a cause of action under 42 U.S.C. § 1983.
2. Dismissal of Freeman's complaint and amended complaint constitutes a "strike within the meaning of the Prison Litigation Reform Act, 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 accompanying judgment would not be taken in good faith.

Dated this 4th day of October 2010.

Brian S. Miller
UNITED STATES DISTRICT JUDGE