

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

HARMON WILLIAMS,
ADC #101370

PLAINTIFF

v.

Case No. 5:10-cv-260-DPM

RAY HOBBS, CASHION, GENA,
JESSE DAVIS, JOHNNY WASHINGTON,
UNDRAY FIELDS, and JOHNNY HARRIS

DEFENDANTS

ORDER

The Court has considered Magistrate Judge Jerome T. Kearney's Proposed Findings and Recommendations, *Document No. 5*, and Harmon Williams's objections, *Document No. 7*. After conducting a *de novo* review, the Court adopts Judge Kearney's recommended disposition as its own. FED. R. CIV. P. 72(b)(3).

The Court sees a clear error, however, on the face of the record. The initial partial payment on the filing fee should have been \$7.00, not \$42.00. 28 U.S.C.A. § 1915(b)(1) (West 2006). The Court therefore modifies the 8 September 2010 Order, *Document No. 3*, to reflect the correct amount.

According to the Clerk's records, Williams has not paid anything yet. So the miscalculation has not created a refund issue.

Williams's case is dismissed without prejudice. The dismissal counts as a "strike" under 28 U.S.C.A. § 1915(g) (West 2006).

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

20 Jan. 2011