

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

**RICKY LYNN FABRY,
ADC #82481**

PLAINTIFF

v.

CASE NO. 5:10cv00298 BSM

RAY HOBBS, et al

DEFENDANTS

ORDER

The proposed findings and recommended disposition submitted by United States Magistrate Beth Deere [Doc. No. 5] have been received. Ricky Lynn Fabry has filed objections. 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. Ricky Lynn Fabry's claims are dismissed with prejudice.
2. This dismissal counts as a strike for the purposes of 28 U.S.C. § 1915(g).
3. An *in forma pauperis* appeal of this dismissal would be frivolous and not taken in good faith.

IT IS SO ORDERED this 27th day of January, 2011.


UNITED STATES DISTRICT JUDGE