

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

JOHANN L. SMITH
ADC # 100228

PLAINTIFF

v.

CASE NO. 5:10-cv-00310-SWW-JJV

ARKANSAS DEPARTMENT
OF CORRECTION

DEFENDANT

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe and Plaintiff's objections. After carefully considering the objections and making a *de novo* review of the record, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Complaint (Doc. No. 1) is DISMISSED.
2. Dismissal of this action constitutes a "strike" for purposes of 28 U.S.C. § 1915(g).
3. All pending motions (Doc. No. 3) are DENIED as moot.
4. The Court certifies, 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 21st day of April, 2011.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE