

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

CLIFTON WARNER,
ADC #651119

PLAINTIFF

v.

5:10-cv-00329-JMM-JJV

MICHAEL WILLIAMS, ADC #85682,
Inmate, Varner Unit, ADC; ARKANSAS
DEPARTMENT OF CORRECTION,

DEFENDANTS

ORDER

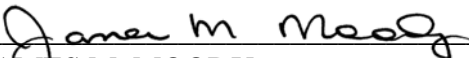
The Court has received Proposed Findings and Recommendations from United States Magistrate Judge Joe J. Volpe. There have been no objections. After a review of those proposed findings and recommendations, the Court adopts them in their entirety. Accordingly,

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's Amended Complaint (Doc. No. 6) is DISMISSED with prejudice for failure to state a claim upon which relief may be granted and as Arkansas Department of Correction is immune from liability.
2. This dismissal counts as a "strike" within the meaning of 28 U.S.C. § 1915(g).
3. The Court certifies that an *in forma pauperis* appeal from any Order and Judgment dismissing this action would not be taken in good faith, pursuant to 28 U.S.C. § 1915(a)(3).

An appropriate Judgment shall accompany this Order.

IT IS SO ORDERED this 19th day of January, 2011.



JAMES M. MOODY
UNITED STATES DISTRICT JUDGE