

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

**DANIEL CINCOSKI**

**PETITIONER**

**v.**

**Case No. 5:10-cv-341-DPM**

**RAY HOBBS, Director of the  
Arkansas Department of Correction**

**RESPONDENT**

**ORDER**

The Court has considered Magistrate Judge H. David Young's proposed Findings and Recommendation, *Document No. 33*, and Daniel Cincoski's objections, *Document No. 38*. Having conducted a *de novo* review, the Court adopts Judge Young's proposal as its own. Cincoski's petition, *Document No. 1*, is dismissed without prejudice. His constitutional claims about inadequate medical care and conditions survive in a companion case, No. 1:09-cv-38-SWW-JJV. A certificate of appealability is not appropriate because Cincoski has not made a substantial showing that he has been denied any constitutional right. 28 U.S.C.A. § 2253(c)(1)-(2) (West 2006).

So Ordered.

*D.P. Marshall Jr.*

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D.P. Marshall Jr.  
United States District Judge

*1 Sept. 2011*