

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

MICHAEL BUTLER

PLAINTIFF

V.

NO: 5:11CV00012 KGB

LARRY MAY et al.

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge H. David Young. No objections have been filed. After careful consideration, 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. Defendants' oral motion to dismiss is GRANTED, and plaintiff's complaint is DISMISSED WITHOUT PREJUDICE.
2. This case will not be reopened until plaintiff has reimbursed defendants and the Arkansas Department of Correction for any expenses they incurred as a result of their hearing attendance and transportation of witnesses for the scheduled September 18, 2012, hearing.
3. The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

SO ORDERED this 1st day of February, 2013.



Kristine G. Baker
United States District Judge