

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

GERALD WHITAKER
ADC# 141195

PLAINTIFF

v.

Case No. 5:11-cv-117-DPM

RAY HOBBS, DELTA REGIONAL
UNIT, CORRECTIONAL MEDICAL
SERVICES, GAYLON LAY, and
MARK CASHION

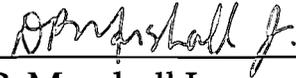
DEFENDANTS

ORDER

The Court has considered Magistrate Judge J. Thomas Ray's Proposed Findings and Recommended Disposition, *Document No. 6*. The Court granted Whitaker additional time to file objections, but he has not done so. *Document No. 9*. Having reviewed the proposal for clear errors of fact on the face of the record, FED. R. CIV. P. 72(b) (advisory committee notes to 1983 addition), and for legal error, the Court adopts the proposal as its own, except for the citation to the unpublished *Sanders v. Norris* opinion and to *Walker v. Missouri Department of Corrections*, which is an Americans with Disabilities Act case. Whitaker's complaint is dismissed without prejudice. This dismissal constitutes a "strike" for purposes of 28 U.S.C. § 1915(g). The Court certifies

that an *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.



D.P. Marshall Jr.
United States District Judge

