

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

JAMES KELLEY
ADC #140048

PLAINTIFF

V.

NO: 5:11CV00130 SWW

ROLAND ANDERSON *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. The motion for summary judgment filed by Defendants Wendy Kelley and William Straughn (docket entry #91) is GRANTED, and Plaintiff's complaint is DISMISSED.
2. Plaintiff's complaint is DISMISSED WITH PREJUDICE with respect to his claims against William Straughn, and DISMISSED WITHOUT PREJUDICE in all other respects.
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.

DATED this 13th day of September, 2012.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE