

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

**ALBERT HERNANDEZ
ADC# 65214**

PLAINTIFF

v.

Case No. 5:11-cv-139-DPM


**ALBERT KITTRELL, BERNARD,
KUPERMAN, RICHARD MOORE,
and FRANCIS LIGHTSEY**

DEFENDANTS

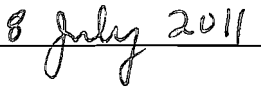
ORDER

The Court has considered Magistrate Judge Jerome T. Kearney's Proposed Findings and Recommendations, *Document No. 3*. Hernandez has not objected. 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. Hernandez's motion for leave to proceed *in forma pauperis*, *Document No. 1*, is denied and his complaint is dismissed without prejudice. 28 U.S.C. 1915(g).

So Ordered.



D.P. Marshall Jr.
United States District Judge



8 July 2011