

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

ERIC C. BURGIE, ADC #120956

PLAINTIFF

v.

CASE NO. 5:11CV00141 BSM/HDY

MARVIN EVANS, JR. et al.

DEFENDANTS

ORDER

The proposed findings and recommended disposition [Doc. No. 54] submitted by United States Magistrate Judge H. David Young and the filed objections have been reviewed. After carefully considering these documents and making a *de novo* review of the record, it is concluded that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety in all respects.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's complaint is **DISMISSED WITH PREJUDICE** for failure to introduce sufficient evidence to create a fact issue to be submitted to a jury.
2. It is further certified 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 11th day of April 2012.


UNITED STATES DISTRICT JUDGE