

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

**JAMES W. MILLER,
ADC # 105303**

PLAINTIFF

v.

No. 5:11-cv-192-DPM

**SUSAN POTTS, Administrator,
Drew County Jail, and VICKIE
HANNEY, Jailer, Drew County Jail**

DEFENDANTS

ORDER

The Court has considered Magistrate Judge Joe J. Volpe's Proposed Findings and Recommendations, *Document No. 6*. Miller 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.

Miller's complaint is dismissed without prejudice. This dismissal shall count as a "strike" within the meaning of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g). An *in forma pauperis* appeal from this Order and accompanying Judgment would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

9 Jan. 2012