

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

TONY CURTIS AINLEY JR.  
ADC # 140402

PLAINTIFF

v.

No. 5:11-cv-247-DPM-HDY

RAY HOBBS, Director, Arkansas Department  
of Correction; and CHARLES FREYDER, Chaplain  
Varner Unit, Arkansas Department of Correction

DEFENDANTS

ORDER

The Court has considered Magistrate Judge H. David Young's Proposed Findings and Recommendations, *Document No. 43*. No one has 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. Hobbs's and Freyder's motions for summary judgment, *Document Nos. 23 & 37*, are granted. Ainley's complaint is dismissed without prejudice. The Court certifies that an *in forma pauperis* appeal from this order and the accompanying judgment would be frivolous and not in good faith.

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

16 May 2012