

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

KENNETH LEWIS,  
ADC #87974

PLAINTIFF

V. 5:11CV00256 SWW/JTR

CLINTON HALL, Chief of Security; and  
ALICE HEARD, Correctional Officer,  
Diagnostic Unit, Arkansas Department of Correction

DEFENDANTS

**ORDER**

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray. No objections have been filed. After careful review, 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. Defendants' Motion to Dismiss (docket entry #12) is GRANTED, and this case is DISMISSED, WITH PREJUDICE.
2. Dismissal of this action CONSTITUTES a "strike," as defined by 28 U.S.C. § 1915(g), as being frivolous.
3. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in*

*forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith.

Dated this 14<sup>th</sup> day of February, 2012.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE