

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

**TONY CURTIS AINLEY, JR., ADC #140402**

**PLAINTIFF**

**v.**

**CASE NO. 5:11CV00282 BSM/HDY**

**BRIAN T. PERKINS, Shift Supervisor,  
Varner Unit, Arkansas Department of Correction**

**DEFENDANT**

**ORDER**

The proposed findings and recommended disposition submitted by United States Magistrate Judge H. David Young have been reviewed. No objections were filed. After carefully considering this document 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. Defendant's motion for summary judgment [Doc. No. 14] is GRANTED, and plaintiff's complaint is DISMISSED WITHOUT PREJUDICE.
2. Plaintiff's motion for summary judgment [Doc. No. 22] is DENIED.
3. It is 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 4th day of May 2012.

  
UNITED STATES DISTRICT JUDGE