

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

LANCE MITCHELL OWENS,
ADC #610855

PLAINTIFF

V.

5:12CV00159 SWW/JTR

JOYCE GOOLEY, Mail Room Supervisor;
and WILLIAM STRAUGHN, Warden;
Maximum Security Unit

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections. After carefully considering these documents and making a *de novo* review of the record in this case, 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 for Summary Judgment (docket entry #35) is GRANTED, and Plaintiff's claims against Defendants Straughn and Gooley are DISMISSED, WITHOUT PREJUDICE, due to a lack of exhaustion.
2. Plaintiff's Motion for Summary Judgment (docket entry #32) is

DENIED, AS MOOT.

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 6th day of December 2012.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE