

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

**LARRY CLAYTON,
ADC #122838**

PLAINTIFF

V.

5:12-cv-00284-KGB-JJV

**JOE PAGE, Warden, Varner Unit,
Arkansas Department of Correction; et al.**

DEFENDANTS

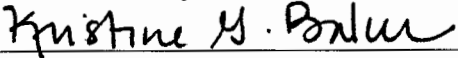
ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe and plaintiff's objections. After carefully considering the objections and making a *de novo* review of the record, 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. Plaintiff's Complaint is DISMISSED for failure to state a claim upon which relief may be granted;
2. Dismissal of this action constitutes a "strike" for purposes of 28 U.S.C. § 1915(g);
and
3. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order adopting these recommendations and the accompanying judgment would not be taken in good faith.

DATED this 10 day of September, 2012.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE