

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

**BENNIE DAVID GUY
ADC #72720**

PLAINTIFF

v.

CASE NO. 5:12CV00439 BSM

RAY HOBBS

DEFENDANT

ORDER

The proposed findings and recommended disposition [Doc. No. 6] submitted by United States Magistrate Judge H. David Young have been reviewed. No objections have been filed. After careful consideration and a *de novo* review of the record, it is found that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff Bennie David Guy's petition for writ of mandamus is dismissed with prejudice for failure to state a claim upon which relief may be granted.
2. This dismissal counts as a "strike" for purposes of 28 U.S.C. § 1915(g).
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.
4. All pending motions are denied as moot.

Dated this 7th day of March 2013.


UNITED STATES DISTRICT JUDGE