

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

BERRY MORROW,
ADC # 143825

Plaintiff,

v.

DAVID KELLEY, Lieutenant,
Cummins Unit, ADC, et al.

Defendants.

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No. 5:13CV00098-SWW-JTR

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Thomas J. Ray. No objections have been filed.¹ After careful consideration, 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. Defendant Kelley's Motion for Summary Judgment (Doc. 61) is GRANTED, and this case is DISMISSED, WITH PREJUDICE.

2. The Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), an *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith.

SO ORDERED this 2nd day of December 2014.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

¹ By order entered November 12, 2014 [doc.#87], the Court granted plaintiff an extension of up to and including November 28, 2014, in which to file his response to the Proposed Findings and Recommended Disposition. That time has come and gone with no response being filed by plaintiff.