

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

**EARNEST AVIST,
ADC # 151395**

PLAINTIFF

v.

CASE NO. 5:14CV311 BSM

**KIM NULLS, Supervisor, Jefferson
County Parole Officers, et al.**

DEFENDANTS

ORDER

The proposed findings and recommended disposition submitted by United States Magistrate Judge Joe J. Volpe and plaintiff's objections have been reviewed. After careful consideration of the objections and 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. Plaintiff's complaint [Doc No. 2] is dismissed without prejudice for failure to state a claim upon which relief may be granted.
2. Dismissal of this action counts as a "strike" for purposes of 28 U.S.C. § 1915(g);
3. It is further certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal taken from this order and judgment dismissing this action is considered frivolous and not in good faith.

IT IS SO ORDERED this 4th day of September 2014.


UNITED STATES DISTRICT JUDGE