

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

**LARRY WAYNE BURKS  
ADC #087014**

**PLAINTIFF**

**v.**

**Case No. 5:14-cv-00319-KGB/BD**

**WENDY KELLEY, Director,  
Arkansas Department of Correction<sup>1</sup>; et al.**

**DEFENDANTS**

**ORDER**

The Court has reviewed the Recommended Disposition (“Recommendation”) issued by Magistrate Judge Beth Deere (Dkt. No. 4). Despite the Court granting plaintiff Larry Wayne Burks’s motion for extension of time to file objections (Dkt. No. 5), no objections have been filed, and the time for doing so has passed. After careful consideration, the Court finds that the Recommendation should be, and hereby is, approved and adopted in all respects. Mr. Burks’s claims are dismissed with prejudice. This dismissal will count as a “strike” for purposes of 28 U.S.C. § 1915(g). In addition, the Court certifies that an *in forma pauperis* appeal of this dismissal would be frivolous and not taken in good faith.

SO ORDERED this the 22nd day of April, 2015.



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KRISTINE G. BAKER  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Wendy Kelley became Director of the Arkansas Department of Correction on January 13, 2015, and is automatically substituted as respondent pursuant to Federal Rule of Civil Procedure 25(d).