

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

**JAMES LEGGINS,  
ADC #79825**

**PLAINTIFF**

v.

**Case No. 5:14-cv-00342-KGB-JTK**

**DR. WARREN, et al.**

**DEFENDANTS**

**ORDER**

The Court has reviewed the Proposed Findings and Recommendations submitted by United States Magistrate Judge Jerome T. Kearney (Dkt. No. 12) and the objections filed by plaintiff James Leggins (Dkt. No. 15). After a review of the Proposed Findings and Recommendations, and the timely objections received thereto, as well as a *de novo* review of the record, the Court adopts the Proposed Findings and Recommendations in their entirety.


The Court acknowledges that Mr. Leggins attempted to file an amended complaint after the Proposed Findings and Recommendations were submitted and after the deadline Judge Kearney set for Mr. Leggins to submit an amended complaint to cure the deficiencies in his original complaint (Dkt. No. 14). However, Mr. Leggins's proposed amended complaint does not cure the deficiencies in Mr. Leggins's original complaint identified in the Proposed Findings and Recommendations.

It is therefore ordered that:

1. The Court dismisses without prejudice Mr. Leggins's complaint for failure to state a claim upon which relief may be granted.
2. All pending motions are denied as moot.
3. Dismissal of this action constitutes a "strike" within the meaning of the Prison Litigation Reform Act ("PLRA"), 28 U.S.C. § 1915(g).

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

SO ORDERED this the 27<sup>th</sup> day of May, 2015.

Handwritten signature of Kristine G. Baker in black ink.

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KRISTINE G. BAKER  
UNITED STATES DISTRICT JUDGE