

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

**JOSEPH MUCHERSON,  
ADC # 129908**

**PLAINTIFF**

v.

**CASE NO. 5:14CV00354 BSM**

**SHARON WILLIAMS, Captain,  
Varner Unit Penitentiary**

**DEFENDANT**

**ORDER**

The proposed findings and recommended disposition submitted by United States Magistrate Judge Joe J. Volpe have been received, along with the objections thereto. After carefully considering the objections and making 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 cause of action is dismissed without prejudice for failure to state a claim upon which relief may be granted.
2. Dismissal of this action constitutes a "strike" within the meaning of the Prison Litigation Reform Act, 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 from this order would not be taken in good faith.

DATED this 6th day of November 2014.

  
UNITED STATES DISTRICT JUDGE