

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

RAKEBIA QUJUAN DANIELS,
ADC #754266

PLAINTIFF

V.

5:14CV00440 SWW/JTR

ARKANSAS DEPARTMENT OF
COMMUNITY CORRECTION, et al.

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections. After carefully considering these documents and making a *de novo* review of the record in this case, 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. Plaintiff's assertion that she was in poor health and lacked the financial ability to bring a lawsuit does not state a basis for the tolling of the statute of limitations.

IT IS THEREFORE ORDERED that:

1. Pursuant to 28 U.S.C. § 1915A, this case is DISMISSED WITH PREJUDICE as being frivolous.

2. Dismissal constitutes a “STRIKE,” as defined by 28 U.S.C. § 1915(g).¹

3. It is 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 19th day of March, 2015.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

¹In response to plaintiff’s inquiries contained in her objection, the Court explains that 28 U.S.C. § 1915(g), which is commonly called the “three strikes” provision, provides that a prisoner may not file another civil action or appeal *in forma pauperis* if she has had three previous actions dismissed while incarcerated on the grounds that they were frivolous, malicious, or for failed to state a claim, unless the prisoner is under imminent danger of serious physical injury. Because the Court determines that plaintiff’s claim was frivolous, it dismisses the complaint without serving the defendants and considers this action as a “strike,” as in “three strikes and you’re out.”