

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

KEITH E. MILLER
ADC # 144926

PLAINTIFF

v.

5:15CV00018-BRW-JJV

GAIL MAINARD, Construction Engineer,
Arkansas Department of Correction, *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe and Plaintiff's objections. After carefully considering the objections and making a *de novo* review of the record, 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.

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. Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. No. 8) is DENIED.
3. Dismissal of this action counts as a "strike" for purposes of 28 U.S.C. § 1915(g);
4. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith.

SO ORDERED this 2nd day of February, 2015.

/s/Billy Roy Wilson
UNITED STATES DISTRICT JUDGE