

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

TOM HENDERSON, ADC #097573

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Plaintiff,

*

v.

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No. 5:15CV00205-SWW-JJV

STRAUGHN, Warden,

*

Cummins Unit, ADC, *et al.*

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*

Defendants.

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ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed.¹ After careful consideration, 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. Dismissal of this action counts as a "strike" for purposes of 28 U.S.C. § 1915(g).
3. The Court certifies, 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.

IT IS SO ORDERED this 21st day of July, 2015.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE

¹On July 9, 2015, Plaintiff filed a motion to amend his complaint and for appointment of counsel [ECF No. 6], which references Judge Volpe's recommended disposition. Even considering Plaintiff's proposed amendments, for the reasons set forth in the recommended disposition, Plaintiff fails to state a viable claim for relief under 42 U.S.C. § 1983.