

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

GREGORY K. WHITT
ADC #158938

PLAINTIFF

V.

NO: 5:15CV00301 JM

JAMES BANKS *et al*

DEFENDANTS

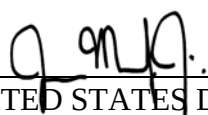
ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Patricia S. Harris, and the objection filed by Plaintiff. After carefully considering the objections and making a *de novo* review of the record in this case, including the forty-eight page complaint (Docket No. 1) and the addendum (Docket No. 7), 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 is DISMISSED WITHOUT PREJUDICE for failure to state a claim upon which relief may be granted.
2. This dismissal counts as a "strike" for purposes of 28 U.S.C. § 1915(g).
3. The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.
4. Plaintiff's motion to preserve evidence (docket entry 8) is DENIED AS MOOT.

DATED this 19th day of November, 2015.


UNITED STATES DISTRICT JUDGE