

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

**TONY CALDWELL,
ADC #009972**

PLAINTIFF

VS.

5:15CV00352-BRW-JTK

DUB BRASSELL DETENTION CENTER

DEFENDANT

ORDER

The Court has received proposed findings and recommendations from United States Magistrate Judge Jerome T. Kearney. There have been no objections. After a review of those proposed findings and recommendations, the Court adopts them in their entirety. Accordingly,

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's Complaint against Defendants 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 (PLRA), 28 U.S.C. § 1915(g).
3. The Court certifies that an in forma pauperis appeal from this Order and Judgment dismissing this action would not be taken in good faith, pursuant to 28 U.S.C. § 1915(a)(3).

An appropriate Judgment will accompany this Order.

IT IS SO ORDERED this 19th day of January, 2016.

/s/ Billy Roy Wilson
UNITED STATES DISTRICT JUDGE