

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

**JERRY MARSHALL, SR., ADC #97894, et al.**

**PLAINTIFFS**

**v.**

**CASE NO. 5:16CV00062 BSM**

**FORDYCE COUNTY JAIL et al.**

**DEFENDANTS**

**ORDER**

The Court proposed findings and recommendations (“RD”) submitted by United States Magistrate Judge Jerome T. Kearney have been reviewed. There have been no objections. After careful consideration, the RD are hereby adopted in all respects.

IT IS THEREFORE ORDERED that:

1 Plaintiff Frederick Rainey’s complaints [Doc. Nos. 2, 38, 42] are dismissed without prejudice for failure to state a claim upon which relief may be granted.

2 Rainey’s motion to amend [Doc. No. 42] is denied.

3 Dismissal of this action constitutes a “strike” within the meaning of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g).

4 It is certified that an *in forma pauperis* appeal from this order and the judgment dismissing this case would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED this 24th day June 2016.

  
UNITED STATES DISTRICT JUDGE