

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

JAMES CLAYTON MAY  
ADC# 137749

PLAINTIFF

v.

5:16-cv-00168-JM

KEVIN DEMON RIDGELL,  
Correctional Sergeant, Dermott Unit,  
Arkansas Department of Correction

DEFENDANT

**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. Defendant's Motion to Dismiss (Doc. No. 10) is GRANTED and this cause of action is DISMISSED with prejudice.
2. 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.
3. Dismissal of this action counts as a "strike" for purposes of 28 U.S.C. § 1915(g).

DATED this 11<sup>th</sup> day of August, 2016.

  
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JAMES M. MOODY, JR.  
UNITED STATES DISTRICT JUDGE

