

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

LEE BAKER, ADC #550939,

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Plaintiff,

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v.

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No. 5:16CV00375-SWW

ROBERTSON, Building Major/Security,  
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 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. Defendants' Motion for Summary Judgment (Doc. No. 14) is GRANTED.
2. This cause of action is DISMISSED without prejudice for failure to exhaust administrative remedies.
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 17<sup>th</sup> day of February, 2017.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE