

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

**CORNELIUS VANN
ADC #149251**

PLAINTIFF

VS.

5:17CV00032-BRW

**L. SMITH, Corporal,
Cummins Unit; et. al.**

DEFENDANTS

ORDER

I have 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, I approve and adopt the Proposed Findings and Recommended Disposition in their entirety.

Accordingly, Plaintiff's Complaint (Doc. No. 2) is DISMISSED without prejudice for failure to state a claim upon which relief may be granted. All other pending motions (Doc. Nos. 7, 8, 9) are DENIED as MOOT.

Dismissal of this action counts as a "strike" for purposes of 28 U.S.C. § 1915(g).

I 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 SO ORDERED this 13th day of March, 2017.

/s/ Billy Roy Wilson
UNITED STATES DISTRICT JUDGE