

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

DENNIS R. DERX
ADC #162003

PLAINTIFF

v.

5:17CV00040-JM

WENDY KELLEY, Director, ADC; *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe and Plaintiff's Motion for Order asking the Court to dismiss his claims against Defendants Kelley and Andrews.¹ 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.

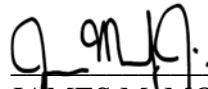
IT IS, THEREFORE, ORDERED that:

1. The Clerk will amend the docket to reflect the full and correct names of Defendants Roderick Davis, Albert Kittrell, and Jeremy Andrews.
2. Defendants Davis and Kittrell's Motion to Dismiss (Doc. No. 16) is GRANTED.
3. Defendants Kelley and Andrews's Motion to Dismiss (Doc. No. 20) is GRANTED.
4. Plaintiff's claims against all Defendants are DISMISSED without prejudice for failure to state a claim upon which relief may be granted.
5. Dismissal of this action counts as a "strike" for purposes of 28 U.S.C. § 1915(g).
6. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis*

¹ Plaintiff states that he is "filing a motion on the Defendants Dr. Albert Kittral and Rodrick Davis . . ." (ECF No. 23). It is unclear what type of motion Plaintiff is filing against these Defendants. It is irrelevant, however, because the Court is adopting Judge Volpe's Proposed Findings and Recommended Disposition and dismissing Plaintiff's claims against them..

appeal from this Order adopting the recommendations would not be taken in good faith.

DATED this 5th day of July, 2017.

Handwritten signature of James M. Moody, Jr. in black ink, consisting of stylized initials and a surname.

JAMES M. MOODY, JR.
UNITED STATES DISTRICT JUDGE