

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

**JAMES E. WHITNEY  
ADC #163817**

**PLAINTIFF**

**v.**

**CASE NO. 5:17-CV-00173 BSM**

**WENDY KELLY,  
Director, ADC, et al.**

**DEFENDANTS**

**ORDER**

The recommended disposition [Doc. No. 6] submitted by United States Magistrate Judge J. Thomas Ray and plaintiff James Whitney's objection [Doc. No. 7] thereto have been received. After *de novo* review, the recommended disposition is adopted in its entirety. Accordingly, Whitney's motion for ruling [Doc. No. 5] is granted; the relief sought in Whitney's petition and amended petition [Doc. Nos. 1, 2] is denied; this case is dismissed without prejudice; and it is certified that an *in forma pauperis appeal* from this order and judgment would not be taken in good faith. See 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED this 24th day of August 2017.

  
UNITED STATES DISTRICT JUDGE