

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

**BRAD PAUL SMITH  
ADC #660448**

**PLAINTIFF**

**v.**

**CASE NO. 5:17-CV-00226 BSM**

**FRANKIE N. BROOKS**

**DEFENDANT**

**ORDER**

The proposed findings and recommendations [Doc. No. 5] submitted by United States Magistrate Judge Jerome T. Kearney and plaintiff Brad Smith's objections [Doc. No. 7] have been reviewed. After *de novo* review of the record, the proposed findings and recommendations are adopted in their entirety. Although Smith provides additional facts in his objections, his section 1983 claim is nonetheless precluded by *Edwards v. Balisok*, 520 U.S. 641 (1997) and *Heck v. Humphrey*, 512 U.S. 477 (1994). Accordingly, Smith's petition is dismissed without prejudice. He may reassert his claim for damages if his disciplinary conviction is later invalidated.

Dismissal of this action counts as a "strike" under 28 U.S.C. section 1915(g). Pursuant to 28 U.S.C. section 1915(a)(3), it is certified that an *in forma pauperis* appeal from this order would not be taken in good faith.

IT IS SO ORDERED this 31st day of October 2017.

  
UNITED STATES DISTRICT JUDGE