

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

QUADRO KENYATTA MILES

PLAINTIFF

v.

Case No. 10-1077

DR. SEALE, *et al.*

DEFENDANTS

ORDER

Now on this 20th day of September 2011, there comes on for consideration the report and recommendation filed herein on June 16, 2011, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 10). On June 30, 2011, the Court received a motion from Plaintiff requesting a new IFP application and an extension to return such application. Based upon Plaintiff's return address, the Court directed a change of address be entered for Plaintiff and a copy of the report and recommendation re-mailed to Plaintiff at the new address. The Court further extended the time for Plaintiff to file objections from July 5, 2011 to August 1, 2011. To date, no objections have been filed.

The court has reviewed this case and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE for failure to state a claim upon which relief may be granted. See 28 U.S.C. § 1915(e)(2)(B). This case is considered a "strike" pursuant to the "three strikes" provision of the in

forma pauperis statute, 28 U.S.C. § 1915(g), and the U.S. District Clerk is directed to flag the case accordingly. Plaintiff's motion seeking an extension of time to file an IFP application (doc. 11) is DENIED AS MOOT.

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge