

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

LAWRENCE RAY DANIELS

PLAINTIFF

vs.

Civil No. 1:13-cv-1046

BILLY HUBBERT

DEFENDANT

JUDGMENT

Before the Court is the Report and Recommendation filed September 26, 2013, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. ECF No. 6. Judge Bryant recommends that the Plaintiff's Motion for Leave to Proceed *in forma pauperis* be denied and that the Complaint be dismissed because Plaintiff's claims are frivolous and fail to state claims upon which relief may be granted. The parties have not filed objections to the Report and Recommendation, and the time to object has passed. See 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation *in toto*. Plaintiff's *in forma pauperis* motion is **DENIED** and the Complaint is **DISMISSED WITHOUT PREJUDICE**. The dismissal of this action constitutes a "strike" under 28 U.S.C. § 1915(g). Therefore, the Clerk is directed to place a § 1915(g) strike flag on the case.

IT IS SO ORDERED, this 16th day of October, 2013.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District