

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

WILLIAM F. CARADINE, II

PLAINTIFF

v.

Case No. 11-2003

JOHN OR JANE DOE, Owner/ General
Manager, Dollar General Store; and
NINA RIDENOUR

DEFENDANTS

ORDER

Now on this 5th day of April 2011, there comes on for consideration the report and recommendation filed herein on March 17, 2011, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. (Doc. 12). Also before the Court is Plaintiff's objection (doc. 13).

The court has reviewed this case *de novo* 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 motion to proceed IFP is DENIED, and Plaintiff's Complaint is DISMISSED on the grounds that the federal claims are frivolous and fail to state claims upon which relief may be granted. See 28 U.S.C. § 1915(e)(2)(B) (IFP action may be dismissed on such grounds at any time). Plaintiff is advised that this dismissal is considered a "strike" for purposes of the Prison Litigation Reform Act. 28 U.S.C. § 1915(g). The U.S. District Clerk is directed to collect the \$350.00 filing fee from Plaintiff. The Court declines to exercise supplemental jurisdiction over Plaintiff's claim pursuant to the Arkansas Civil

Rights Act. 28 U.S.C. § 1367.

IT IS SO ORDERED.

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