

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

BISHMAEL H. OBAMAS

PLAINTIFF

v.

Case No. 2:13-CV-02246

MIKE GODFREY, Sheriff, Polk County, Arkansas;
DEPUTY SCOTT SAWYER; and DEWAYNE HARVEY

DEFENDANTS

ORDER

The Court has received proposed findings and recommendations (Doc. 26) from Chief United States Magistrate Judge James R. Marschewski. Also before the Court are Plaintiff's objections (Doc. 27).

The Court has reviewed this case and, being well and sufficiently advised, finds as follows: Plaintiff's objections offer neither law nor fact requiring departure from the report and recommendations. Plaintiff argues that he should not be barred from bringing this case pursuant to the "three strikes" rule set forth in 18 U.S.C. § 1915(g). Plaintiff does not dispute, however, that he has previously had at least two cases dismissed on this basis. Nor does Plaintiff provide a credible factual or legal basis for the Court to find that any of the "strikes" against Plaintiff should not be attributed to him. Furthermore, Plaintiff has not alleged any facts that would indicate he is currently under any imminent danger of serious physical injury. The Court finds that dismissal of Plaintiff's case remains appropriate. The findings and recommendations of the magistrate judge are approved and adopted as this Court's findings in all respects in their entirety.

Accordingly, for the reasons stated in the magistrate judge's report and recommendations, Plaintiff's *in forma pauperis* status is REVOKED, and Plaintiff's claims are DISMISSED WITHOUT PREJUDICE to Plaintiff's right to re-open it with payment of the appropriate filing fee,

pursuant to the three strikes rule set forth in 28 U.S.C. § 1915(g).

Plaintiff may file a motion to re-open this action only upon payment to the United States District Clerk of the applicable filing fee. Plaintiff is advised that, in the event he tenders the filing fee and this case is re-opened, Plaintiff will also be responsible for other costs associated with this action, including costs of service and fees for the issuance of any requested subpoenas.

Judgment will be entered accordingly.

IT IS SO ORDERED this 16th day of June, 2014.

P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE