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IN THE UNITED STATES DISTRICT COURT
WESTERN DIVISION OF ARKANSAS
TEXARKANA DIVISION

LARRY WAYNE LOLLIS PLAINTIFF

VS. Civil No. 10-CV-4018

DETECTIVE JIMMY COURTNEY, et al. DEFENDANTS

ORDER

Now on this 27th day of September, 2010, comes on for consideration the proposed findings and recommendations filed herein on August 31, 2010, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. Fourteen (14) days having passed without objections being filed by the parties, the Court hereby adopts in toto the findings and recommendations.

Accordingly, the Court finds that the Plaintiff's Complaint should be and is hereby dismissed as it fails to state a claim under Section 1983. 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 Clerk of Court is directed to place the appropriate flag on this case.

Further, the Court finds that Plaintiff remains liable for the filing fee. *See e.g., In re Tyler,* 110 F.3d 538, 529-30 (8th Cir. 1997) (holding even if the petition is dismissed, the full filing fee is still assessed because the PRLA makes prisoners responsible for their filing fees the moment the prisoner brings a civil action or file an appeal).

IT IS SO ORDERED.

/s/ Harry F. Barnes
HARRY F. BARNES
U.S. DISTRICT JUDGE

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