

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

BRIAN E. LEE

PLAINTIFF

VS.

Civil No. 4:13-cv-4125

HEATH ROSS

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed January 24, 2014 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 8). Judge Bryant recommends that the above-styled case be dismissed without prejudice for failure to state claim 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 claims are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i-iii) and 1915A(a).

The dismissal of this action constitutes a strike under the PLRA. For this reason, the Clerk is directed to place a § 1915(g) strike flag on the case.

IT IS SO ORDERED, this 14th day of February, 2014.

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