

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

GILBERTO AGUILAR PENA

PLAINTIFF

v.

Civil No. 11-5017

SIX UNKNOWN AGENTS, ET AL.

DEFENDANTS

O R D E R

Now on this 9th day of March, 2011, comes on for consideration the **Report And Recommendation Of The Magistrate Judge** (document #6), to which no timely objection has been made, and the Court, being well and sufficiently advised, finds that said Report And Recommendation is sound in all respects, and should be **adopted in toto**.

**IT IS THEREFORE ORDERED** that plaintiff's **Application To Proceed Without Prepayment Of Fees And Affidavit** (document #5) is **denied**, and the Clerk of Court is directed to collect the \$350.00 filing fee in this matter from plaintiff.

**IT IS FURTHER ORDERED** that this case is considered a "strike" pursuant to **28 U.S.C. § 1915(g)**, and the Clerk of Court is directed to place the appropriate flag on this case.

**IT IS FURTHER ORDERED** that plaintiff's Complaint is hereby **dismissed**.

**IT IS SO ORDERED.**

/s/ Jimm Larry Hendren  
JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE