

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

RONALD LEE TULLY, JR.

PLAINTIFF

V.

CASE NO. 5:23-CV-05192

WAL-MART; DUSTIN LE;
and KLAYTON HOLT

DEFENDANTS

ORDER

Now before the Court is the Report and Recommendation (Doc. 7) of the Honorable Christy Comstock, United States Magistrate Judge for the Western District of Arkansas. Fourteen (14) days have passed without objections being filed by the parties.

The Court has reviewed this case 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, the case is **DISMISSED** pursuant to 28 U.S.C. §1915A(b)(1) for failure to state a claim upon which relief may be granted. Plaintiff is warned that, in the future, this dismissal may be counted as a strike for purposes of 28 U.S.C. § 1915(g) and thus, **the Clerk is directed to place a § 1915(g) strike flag on the case** for future judicial consideration. Finally, pursuant to 28 U.S.C. § 1915(a)(3), the Court finds that any appeal from this dismissal would not be taken in good faith.

IT IS SO ORDERED on this 5th day of February, 2024.

/s/ Timothy L. Brooks

TIMOTHY L. BROOKS

UNITED STATES DISTRICT JUDGE