

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

JOHN ROBERT DEMOS

PLAINTIFF

v.

No. 08-6055

UNITED STATES OF AMERICA

DEFENDANT

ORDER

Now on this 17TH day of November 2008, comes on for consideration the report and recommendation filed herein on October 7, 2008, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 9). No objections were filed.

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 Plaintiff's in forma pauperis (IFP) status is revoked under the three-strikes provision of 28 U.S.C. § 1915(g). Further, this case is DISMISSED on the grounds that the claims are frivolous and fail to state claims upon which relief may be granted. See 28 U.S.C. § 1915(e)(2)(B)(i)-(iii) (IFP action may be dismissed on such grounds at any time.

The clerk of this court is directed to provisionally file any new action in which John R. Demos seeks to proceed IFP. The magistrate judge shall then review the action and, if it is a civil action, rather than a criminal or habeas one, and, if Demos has not asserted a valid claim that he is under imminent danger of serious

physical injury, the magistrate judge shall recommend that IFP status be denied.

IT IS SO ORDERED this 17th day of November 2008.

/s/ Robert T. Dawson
HONORABLE ROBERT T. DAWSON
UNITED STATES DISTRICT JUDGE