

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

DARRYL JEROME MCGEE

PLAINTIFF

v.

Case No. 10-6096

STATE OF ARKANSAS, *et al.*

DEFENDANTS

ORDER

Now on this 10th day of June 2011, there comes on for consideration the report and recommendation filed herein on May 9, 2011, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 6). Plaintiff did not file timely, written objections.

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 Complaint is DISMISSED as the claims are frivolous or fail to state claims upon which relief may be granted. See 28 U.S.C. § 1915(e)(2)(B)(ii) (IFP action may be dismissed on such grounds at any time). Plaintiff is advised that this dismissal is considered a "strike" for purposes of the Prison Litigation Reform Act. 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge