

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

JAIME GLENN FINLEY (a/k/a Possum)

PLAINTIFF

v.

Case No. 6:24-cv-06058

W. SMITH #168 and B. ROSBURG #366
(Both of Hot Springs Police Department)

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed July 26, 2024, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 9). Judge Bryant recommends that the case be dismissed pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted.¹

Plaintiff has not responded and the time to do so has passed. *See* 28 U.S.C. § 636(b)(1). Upon review, finding no clear error on the face of the record and that Judge Bryant's reasoning is sound, the Court adopts the Report and Recommendation (ECF No. 9) *in toto*. Accordingly, the Court finds that pursuant to 28 U.S.C. § 1915A(b)(1), Plaintiff has failed to state a claim upon which relief may be grant and that the case is hereby **DISMISSED WITHOUT PREJUDICE**. Plaintiff is warned that, in the future, this dismissal may be counted as a strike for purposes of 28 U.S.C. § 1915(b)(1), and thus the Clerk is directed to place a § 1915(g) strike flag on the case for future judicial consideration.

IT IS SO ORDERED, this 25th day of October, 2024.

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

¹On August 5, 2024, Plaintiff Jamie Glenn Finley ("Plaintiff") filed a motion for an extension of time to respond to the report and recommendation. (ECF No. 11). The Court granted this motion and allowed Plaintiff until October 11, 2024, to respond. (ECF No. 15). On October 15, 2024, Plaintiff filed his second Motion for Leave to Proceed *in forma pauperis*. (ECF No. 16). Plaintiff's latest motion raises no objections to the report and recommendation.