

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

DONALD RAY LUCAS

PLAINTIFF

v.

CIVIL ACTION NO. 3:08CV-P284-H

LETHA STEWART

DEFENDANT

ORDER

For the reasons set forth in the Memorandum Opinion entered this date, and the Court being otherwise sufficiently advised, **IT IS ORDERED** that the instant action is **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1) as frivolous and for failure to state a claim upon which relief may be granted.

There being no just reason for delay in its entry, this is a final Order.

This Court further **certifies** that an appeal would be frivolous and, therefore, not taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

Date: July 17, 2009

A handwritten signature in black ink, appearing to read "John G. Heyburn II", is written over a circular seal of the United States District Court for the Western District of Kentucky. The seal features an eagle with wings spread, perched on a shield, with the text "UNITED STATES DISTRICT COURT" and "WESTERN DISTRICT OF KENTUCKY" around the perimeter.

John G. Heyburn II, Judge
United States District Court

cc: Plaintiff, *pro se*
4412.005