

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT OWENSBORO
CIVIL ACTION NO. 4:09CV-P113-M

CHARLES DAVID ROSS

PLAINTIFF

v.

RICK BENNINGFIELD *et al.*

DEFENDANTS

ORDER

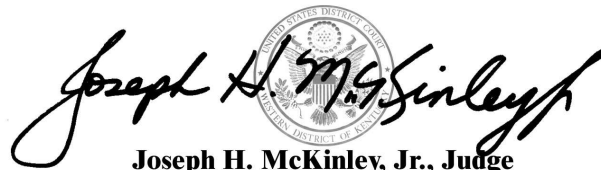
For the reasons set forth in the Memorandum Opinion entered this date, and the Court being otherwise sufficiently advised,

IT IS ORDERED that the complaint is **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1) 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: **March 16, 2010**


Joseph H. McKinley, Jr., Judge
United States District Court

cc: Plaintiff, *pro se*
Defendants
Taylor County Attorney
4414.010