

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

O. C. SMITH (# 09572)

PLAINTIFF

v.

No. 4:08CV139-P-A

CHRISTOPHER EPPS, ET AL.

DEFENDANTS

FINAL JUDGMENT

In accordance with the memorandum opinion issued today in this cause, the instant case is hereby **DISMISSED** with prejudice for failure to state a claim upon which relief could be granted, counting as a “strike” under 28 U.S.C. §§ 1915 (e)(2)(B)(i) and 1915(g).

SO ORDERED, this the 12th day of February, 2009.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE