

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LLOYD NEIL POPE,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-08-1306-F
)	
EDWIN CARNS, M.D.,)	
)	
Defendant.)	

ORDER

Plaintiff Lloyd Neil Pope, a prisoner appearing *pro se* and *in forma pauperis* whose pleadings are liberally construed, brings this action pursuant to 42 U.S.C. § 1983, seeking damages for alleged violations of his constitutional rights.

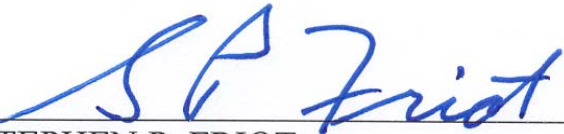
Plaintiff has objected to the January 6, 2009 Report and Recommendation of Magistrate Judge Valerie K. Couch, in which Magistrate Judge Couch recommends that plaintiff’s action be dismissed as frivolous, pursuant to 28 U.S.C. §1915(e)(2)(B)(i), because it is duplicative of claims pending before this court in another case. The Magistrate Judge further recommends that the dismissal should be counted as a prior occasion or strike, pursuant to 28 U.S.C. § 1915(g), after plaintiff has exhausted or waived his right to appeal.

As required by 28 U.S.C. §636(b)(1), the court has reviewed all objected to matters *de novo*. Having concluded that review, and after careful consideration of plaintiff’s objections, the record, and the relevant authorities, the court finds that it agrees with the Report and Recommendation of the Magistrate Judge and that no purpose would be served by stating any further analysis here.

Accordingly, plaintiff’s objections to the Report and Recommendation of Magistrate Judge Couch are **DENIED**, and the Report and Recommendation is

ACCEPTED, ADOPTED, and AFFIRMED in its entirety. This action is dismissed as frivolous, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), because it is duplicative of claims in another action currently pending in this court. Additionally, this dismissal should count as a prior occasion or strike, pursuant to 28 U.S.C. § 1915(g), after plaintiff has exhausted or waived his right to appeal.

Dated this 26th day of January, 2009.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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