

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


BRIAN SPAUDE,)
)
 Plaintiff,)
)
 v.)
)
 NORTH FORK CORRECTIONAL)
 FACILITY, et al.,)
)
 Defendants.)

Case No. CIV-10-31-R

ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge Gary M. Purcell, recommending dismissal of Plaintiff’s complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). Doc. No. 12. No objection to the Report and Recommendation has been filed nor has an extension of time in which to object been sought or granted. Therefore, the Report and Recommendation is ADOPTED and the complaint is hereby DISMISSED. This dismissal will count as one “strike” under 28 U.S.C. § 1915(g) after Plaintiff has exhausted or waived his right to appeal from this Order.

IT IS SO ORDERED this 3rd day of August, 2010.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE