

United States District Court  
WESTERN DISTRICT OF TENNESSEE

JUDGMENT IN A CIVIL CASE

WILLIAM DAVIDSON HAMBY, JR.,  
Plaintiff,

v.

CASE NUMBER: 2:16-2399 JDT-cgc

DR. BENITEZ, ET AL.,  
Defendants,

**Decision by Court.** This action came to consideration before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that in compliance with the Consent Order entered on 3/23/17 in the above-styled matters, the Court **DISMISSES** Hamby's complaint for failure to state a claim on which relief can be granted, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1). Leave to amend is **DENIED**. It is **CERTIFIED**, pursuant to 28 U.S.C. §1915(a)(3), that any appeal in this matter by Plaintiff would not be taken in good faith. The Plaintiff is instructed that if he wishes to take advantage of the installment procedures for paying the appellate filing fee, he must comply with the procedures set out in *McGore* and § 1915(a)(2) by filing an updated *in forma pauperis* affidavit and a current, certified copy of his inmate trust account for the six months immediately preceding the filing of the notice of appeal. For analysis under 28 U.S.C. § 1915(g) of future filings, if any, by Plaintiff, this is the first dismissal of one of his cases as frivolous or for failure to state a claim.

**APPROVED:**

s/James D. Todd  
**JAMES D. TODD**  
**U.S. DISTRICT JUDGE**

**THOMAS M. GOULD**  
**CLERK**

**BY: s/Cassandra Ikerd**  
**DEPUTY CLERK**