

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

HARVEY CULLUM

PLAINTIFF

v.

No. 1:10CV00070 JLH

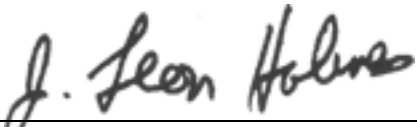
MICHAEL E. IRWIN, Individually and in his
Official Capacity as District Court Judge; and
CLEBURNE COUNTY DISTRICT COURT

DEFENDANTS

ORDER

Harvey Cullum has filed a complaint against Michael E. Irwin, individually and in his official capacity as a District Court Judge of Cleburne County, Arkansas, and against the District Court of Cleburne County, Arkansas, alleging that he was deprived of his right to a trial by jury. The defendants have filed a motion to dismiss on the ground that the complaint is barred by the doctrines of sovereign immunity and absolute judicial immunity. Defendants also argue that the complaint fails as a matter of law because Cullum had the right to appeal his conviction in district court and have a trial by jury in circuit court. Cullum has not responded. The motion to dismiss has merit. Cullum's complaint fails to state a claim, as a matter of law, because he had the right to appeal his conviction to circuit court and obtain a jury trial. Moreover, his claims are barred by the doctrines of sovereign immunity and absolute judicial immunity. Therefore, the complaint is dismissed with prejudice.

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



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE