

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

GARY E. JOHNSON

PLAINTIFF

v.

NO. 3:15CV00136 JLH

CITY OF JONESBORO, ARKANSAS, et al.

DEFENDANTS

**ORDER**

Gary E. Johnson brings this *pro se* action alleging that the City of Jonesboro, Lenders Title Company, Garver Engineering, and several individuals have conspired to deprive him of his property without due process of law and without just compensation. Johnson has also filed a motion for leave to proceed *in forma pauperis*. Title 28 of the United States Code, section 1915(a), provides that the Court may authorize the commencement and prosecution of a suit without prepayment of fees. Johnson has submitted an affidavit which shows that he is entitled to proceed *in forma pauperis*. Therefore, his motion for leave to proceed *in forma pauperis* is GRANTED. Document #1.

The statute also provides that the Court must dismiss the case at any time after the Court determines that the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against the defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). That section applies to all *in forma pauperis* litigants. *See, e.g., Newsome v. E.E.O.C.*, 301 F.3d 227, 231-33 (5th Cir. 2002); *Cieszkowska v. Gray Line N.Y.*, 295 F.3d 204, 205-06 (2nd Cir. 2002); *Hutchinson v. Spink*, 126 F.3d 895, 899 (7th Cir. 1997).

Johnson's complaint names several individuals as defendants who are not named in the text of the complaint. Those individuals are Todd Burton, Tim McCall, Rennell Woods, Darrel Dover, Mitch Johnson, Chris Gibson, Ann Williams, Chris Moore, Charles Coleman, Gene Vance, and

Charles Frierson. The complaint fails to state a claim upon which relief may be granted as to those individuals. Johnson's claims against those individuals are dismissed without prejudice.

The State of Arkansas is immune from suit under the Eleventh Amendment. *Monroe v. Ark. State Univ.*, 495 F.3d 591, 594 (8th Cir. 2007). The complaint is therefore dismissed as to the State of Arkansas.

The Court concludes, for screening purposes only, that the complaint states a claim upon which relief can be granted against the City of Jonesboro, Mayor Harold Perrin, John Street, L.M. Duncan, Dianne Street, Bob Gibson, Lenders Title Company, and Garver Engineering. The United States Marshals Service is directed to serve summons and complaint on those persons.

IT IS SO ORDERED this 29th day of May, 2015.



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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE