

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

FREDERICK SMITH

PLAINTIFF

v.

No. 3:16-cv-10-DPM

RICK G. McKELVEY, Officer; and  
ARKANSAS STATE POLICE DEPARTMENT

DEFENDANTS

ORDER

Smith's motion to vacate this Court's Judgment fails for the reasons previously explained. *No 3*. Smith's civil fraud claim is untimely. And Smith did not plead any individual-capacity claims against McKelvey. *Compare No 2 at 5 with No 5 at 2*. The Eleventh Amendment bars the door against the damages claims Smith did plead. Motion, *No 5*, denied.

So Ordered.

WPM Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

24 February 2016