

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

ARTEZ OLIVER

PLAINTIFF

V.

CASE NO. 3:16-CV-162-BRW-BD

DEAN, et al.

DEFENDANTS

ORDER

Plaintiff Artez Oliver, an inmate at the Mississippi County Detention Facility (“Detention Facility”), filed this lawsuit without the help of a lawyer under 42 U.S.C. § 1983. (Docket entry #1) In his complaint, Mr. Oliver complains that he has been held at the Detention Facility for more than ninety days without charges. (#2) He seeks monetary relief from two Defendants. (#2)

There are several problems with this complaint. Mr. Oliver will have an opportunity to file an amended complaint, however, to address the problems. First, Mr. Oliver lists “Dean” as a Defendant; however, it is unclear what role Dean played. In one section of his complaint, he refers to this Defendant as “Captain Dean” holding the position of “State Prosecuting.” Later in the complaint, however, he refers to this Defendant as “Catherine Dean.” (#2) If Dean is the prosecutor, the claim will fail because prosecutors are entitled to absolute immunity when they are acting as an advocate of the state in a criminal prosecution. This includes the initiation and pursuit of a criminal conviction. *Maness v. Distr. Court of Logan Cnty.*, 495 F.3d 943, 944 (8th Cir. 2007); *Brodnicki v. City of Omaha*, 75 F.3d 1261, 1266 (8th Cir. 1996). Mr. Oliver must

explain who Dean is and what his or her role is in the alleged constitutional violations in order to proceed against Defendant Dean.

Second, it is unclear whether there is a state criminal case pending against Mr. Oliver. As a general rule, federal courts cannot hear constitutional claims when: (1) there is an ongoing state proceeding; (2) the state proceeding implicates important state interests; and (3) there is an adequate opportunity in the state proceedings to raise the constitutional challenges. *Younger v. Harris*, 401 U.S. 37, 43-45 (1971); *Tony Alamo Christian Ministries v. Selig*, 664 F.3d 1245 (8th Cir. 2012). In his amended complaint, Mr. Oliver must state whether there is a state criminal charge currently pending against him.

Third, Mr. Oliver has not stated how Defendant Gladen is personally involved in any alleged constitutional violations. He must explain Defendant Gladen's role in the events underlying this lawsuit.

Mr. Oliver has thirty days to file an amended complaint. His failure to comply with this Order could result in the dismissal of his lawsuit. Local Rule 5.5.

IT IS SO ORDERED, this 5th day of July, 2016.



UNITED STATES MAGISTRATE JUDGE