

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

**ANTHONY C. MALONE
ADC #124601**

PLAINTIFF

V.

4:09CV00199 JMM/HLJ

BECKY REED, et al.

DEFENDANTS

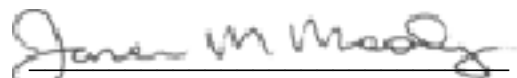
ORDER

The Court has received a letter from the Plaintiff which is deemed to be a request for clarification of the Court's Order of April 13, 2009. In his letter, Plaintiff points out that the Court referred to Ms. Becky Reed as Plaintiff's attorney for his criminal trial in state court. In fact, Ms. Reed was the prosecutor in Plaintiff's criminal case. Plaintiff filed suit against Ms. Reed and Judge Robert Edwards under 42 U.S.C. § 1983.

The Court's inadvertent reference to Ms. Reed as Plaintiff's attorney does not, however, change the outcome of Plaintiff's case. As the prosecutor in Plaintiff's criminal case, Ms. Reed is immune from liability for actions she took in the course of her duties. "If the prosecutor is acting as advocate for the state in a criminal prosecution, then the prosecutor is entitled to absolute immunity." *Brodnicki v. City of Omaha*, 75 F.3d 1261, 1266 (8th Cir. 1996)(citing *Buckley v. Fitzsimmons*, 509 U.S. 259, ----, 113 S.Ct. 2606, 2615, 125 L.Ed.2d 209 (1993)).

Plaintiff's request for clarification (docket # 13) is GRANTED. The case remains closed.

IT IS SO ORDERED this 21st day of April 2009.


James M. Moody
United States District Judge