

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

BENJAMIN L. EAGLE

PLAINTIFF

v.

Case No. 4:10-cv-1512-DPM

HONORABLE DUSTIN MCDANIEL,  
Attorney General of Arkansas;  
HONORABLE HERBERT T.  
WRIGHT JR., Judge; RAYMOND  
BOYLES, Arkansas Department of  
Insurance Prosecutor; SHIRLEY  
HARRISON, Arkansas Department of  
Insurance Investigator; MONTY  
VICKERS, Arkansas Department of  
Insurance Investigator; PROGRESSIVE  
INSURANCE COMPANY; JOSH  
SANDERS, Adjuster; and TOM JAMES,  
Special Investigator

DEFENDANTS

ORDER

The Court has considered Magistrate Judge Beth Deere's Recommended Disposition, *Document No. 6*, and Benjamin Eagle's Objection, *Document No. 8*. After conducting a *de novo* review, the Court adopts Judge Deere's recommended disposition and adds a supplemental word in light of Eagle's Objection. FED. R. CIV. P. 72(b)(3).

Speedy-trial issues, as Eagle notes, go to the circuit court's jurisdiction. *Callender v. State*, 263 Ark. 217, 219, 563 S.W.2d 467, 468 (1978). Eagle makes no plausible showing that Circuit Judge Wright erred on speedy-trial issues in the state criminal case. But even if the Judge had done so, he would have been acting in excess of his jurisdiction, not in the clear absence of jurisdiction. *Duty v. City of Springdale, Arkansas*, 42 F.3d 460, 462 (8th Cir. 1994). Therefore, Circuit Judge Wright's immunity still exists.

Eagle's claims against Attorney General McDaniel, Judge Herbert Wright, and Prosecutor Raymond Boyles are dismissed with prejudice. Eagle's § 1983 negligence claims against Shirley Harrison and Monty Vickers are also dismissed with prejudice. The rest of his claims are dismissed without prejudice. His motion to proceed *in forma pauperis*, *Document No. 1*, and his motion to expedite that ruling, *Document No. 5*, are denied as moot.

Based on Eagle's litigation history in this Court, and the Complaint in this case, the Court directs the Clerk not to accept any filing from Eagle without prior Court approval. An *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith. 28 U.S.C.A. § 1915(a)(3) (West 2006).

So Ordered.

*D.P. Marshall Jr.*

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D.P. Marshall Jr.  
United States District Judge

*20 January 2011*