

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

LORENZO D. HICKS

PLAINTIFF

VS.

4:16CV00396-BRW

MID-SOUTH HEALTH SYSTEMS, et al.

DEFENDANTS

ORDER

Pending is Plaintiff's Motion for Appointment of Counsel (Doc. No. 6).

In his Amended Complaint, Plaintiff alleges that Defendant Crystal Taskey, who was also a patient at Mid-South Health Systems, lied to authorities when she told them that he sexually assaulted her. Based on a probable cause affidavit, Plaintiff was arrested and placed in jail for eight days. Because of the arrest, Plaintiff's probation was revoked. Plaintiff alleges that "they violated my constitutional rights by taking one side of the story and revoking me without a charge."¹ He requests that the his probation officer be "prosecute[d]" for having his probation revoked.

A district court has the authority to dismiss a case *sua sponte* for failure to state a claim.² Plaintiff's complaint fails to state a federal cause of action. Additionally, Plaintiff's probation officer is entitled to qualified immunity.³ To that extent that Plaintiff is making state law claims against Defendant Crystal Taskey, I am declining jurisdiction. Accordingly, this case is DISMISSED without prejudice. Plaintiff's motion to appoint counsel is DENIED as MOOT.

IT IS SO ORDERED this 18th day of August, 2016.

/s/ Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

¹Doc. No. 5.

²See *Smith v. Boyd*, 945 F.2d 1041 (8th Cir. 1991).

³*Story v. Foote*, 782 F.3d 968, 969-70 (8th Cir. 2015) (*sua sponte* upholding, based on qualified immunity, a district court's preservice dismissal of an inmate's complaint).