

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

CHRIS BURRIS

PLAINTIFF

v.

No. 11-1051

TONYA CLEMENTS, Store Clerk,
Tobacco Superstore; DETECTIVE
TODD SURBER, El Dorado Police
Department and LIEUTENANT NICHOLAS,
El Dorado Police Department

DEFENDANTS

ORDER

Now on this 28th day of November 2011, there comes on for consideration the report and recommendation filed herein on November 2, 2011, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 6). No objections were filed.

The court has reviewed this case and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, Plaintiff's motion for leave to proceed IFP (doc. 1) is DENIED and the Complaint is DISMISSED as the claims asserted are frivolous, fail to state claims upon which relief may be granted, or are not cognizable. See 28 U.S.C. § 1915(e)(2)(B)(i-ii). Further, the U.S. District Clerk is directed to collect the \$350 filing fee pursuant to the terms of the Prison Litigation Reform Act. See *e.g.*, *In re Tyler*, 110

F.3d 528, 529-30 (8th Cir. 1997) (Under PLRA, prisoners are responsible for filing fees from the moment the civil action is filed).

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge