Davis v. Phillips et al Doc. 15

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

TRAVIS LAND DAVIS PLAINTIFF

VS. Civil No. 1:13-cv-1056

TREY PHILLIPS, *et al* DEFENDANTS

AMENDED ORDER

Before the Court is the Report and Recommendation filed September 25, 2013, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 8). After conducting pre-service screening of the Complaint pursuant to 28 U.S.C. § 636(b), Judge Bryant recommends that the above-styled case be dismissed.

The parties have not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation *in toto*. Plaintiff's claims are **DISMISSED WITHOUT PREJUDICE**. This dismissal of this action constitutes a "strike" under 28 U.S.C. § 1915(g). The Clerk is therefore directed to place a § 1915(g) strike flag on the case. Plaintiff's remaining motions (ECF Nos. 7, 10, 11, and 13) are hereby **DENIED AS MOOT**.[1]

IT IS SO ORDERED, this 18th day of October, 2013.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge

[1]Pending are Plaintiff's Motion for Access to Law Library (ECF No. 7); Motion for Leave to Amend (ECF No. 10); and duplicative Motions to Appoint Counsel (ECF No. 11 and 13). None of Plaintiff's requested relief would have any bearing on the Court's decision to dismiss this action. First, he does not state with any specificity how he would amend his Complaint if allowed to do so. Second, Plaintiff is not legally entitled to a law library or assistance from the Ouachita County Jail in pursuing this civil matter. *Schrier v. Halford*, 60 F.3d 1309, 1313 (8th Cir. 1995). Third, the decision to appoint counsel in civil cases is committed to the discretion of the district court. *In re Lane*, 801 F.2d 1040, 1042 (8th Cir. 1986). This Court does not routinely appoint counsel in civil cases such as this, and Plaintiff's conclusory statement that this is a "complex" matter is not sufficient for this Court to seriously consider his request.

Dockets.Justia.com