

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

VAUGHN DAMON WILSON

PLAINTIFF

v.

Case No. 09-2098

ALMA CITY COURT and
THE STATE OF ARKANSAS

DEFENDANTS

ORDER

Now on this 20th day of October 2009, there comes on for consideration the report and recommendation filed herein on October 8, 2009, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. (Doc. 5). Also before the Court are Plaintiff's written objections (Doc. 7) and Motion to Modify (Doc. 6).

The court has reviewed this case *de novo* 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 Complaint is DISMISSED on the grounds that the claims are frivolous, asserted against individuals who are immune from suit, or fail to state claims on which relief can be granted. See 28 U.S.C. § 1915(e)(2)(B)(i)-(iii) (IFP action may be dismissed on such grounds at any time). Further, Plaintiff's Motion to Modify is DENIED. Plaintiff seeks to add Arkansas State Trooper Patrick A. Schmidt and Judge Paul Gant as individual defendants. Plaintiff's claims against them would fail for the same reasons set forth in the report and recommendation. Further, Plaintiff failed to attach an amended complaint to his

motion alleging any causes of action against these individual defendants, as required.

IT IS SO ORDERED.

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