

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

GUY CLAYTON BARNES

PLAINTIFF

v.

Civil No. 10-2030

STATE OF ARKANSAS;  
SEBASTIAN COUNTY CIRCUIT  
COURT, Twelfth Judicial District  
and DANIEL SHUE, Prosecuting Attorney

DEFENDANT

ORDER

NOW on this 14<sup>th</sup> day of July 2010, comes on for consideration the Report and Recommendation of the Magistrate Judge (document #4), filed on April 7, 2010, and plaintiff's objections, entitled Appeal of Court Recommendation of the Magistrate Judge (document #6), filed on April 26, 2010. The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. Plaintiff's objections offer neither law nor fact requiring departure from the Report and Recommendation and the same should and will be overruled.

2. The Report and Recommendation is sound in all respects and should be adopted *in toto*.

**IT IS THEREFORE ORDERED**

\* that plaintiff's objections to the **Report And Recommendation of the Magistrate Judge** be, and they hereby are, **overruled**;

\* that the said **Report and Recommendation of the Magistrate Judge** be, and it hereby is, **adopted in toto**.

**IT IS FURTHER ORDERED** that, because the claims are frivolous, fail to state claims upon which relief may be granted, or are asserted against individuals or entities immune from suit, plaintiff's

complaint should be, and hereby is, **dismissed**. See 28 U.S.C. § 1915A(b).

**IT IS FURTHER ORDERED** that the dismissal of this action constitutes a "strike" under 28 U.S.C. § 1915(g).

**IT IS SO ORDERED.**

/s/ Jimm Larry Hendren  
JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE