

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

MARCUS FIELDS

PLAINTIFF

v.

Case No. 2:11-CV-02091

TIMOTHY C. SHARUM, Public Defender;
DETECTIVE KRIS DEASON, Fort Smith
Police Department; JUDITH HANSEN,
Editor, Times Record; JUDGE J MICHAEL
FITZHUGH, Circuit Court

DEFENDANTS

ORDER

On this 6th day of September 2011, there comes on for consideration the Report and Recommendations (Doc. 6) filed in this case on July 13, 2011, by the Honorable James R. Marschewski, United States Magistrate for the Western District of Arkansas. Also before the Court are Plaintiff's objections (Doc. 7).

The Court has reviewed this case and, being well and sufficiently advised, finds as follows: Plaintiff's objections offer neither law nor fact requiring departure from the Report and Recommendations. Although Plaintiff has alleged some new facts, nothing he alleges in his objections changes the fact that a civil rights action pursuant to 42 U.S.C. § 1983 cannot properly be brought against the named defendants. Plaintiff claims that he did not get a fair trial and received inadequate assistance from his counsel. He also states, however, that he is currently appealing his sentence. It seems to the Court that Plaintiff's claims may be more properly raised and addressed on appeal from the Circuit Court decision or otherwise through other available judicial avenues. Regardless, they cannot be made as § 1983 claims in this Court. The Court finds that dismissal of Plaintiff's case remains appropriate. The Report and Recommendation is proper and should be and

hereby is **ADOPTED IN ITS ENTIRETY**.

Accordingly, for the reasons stated in the Magistrate Judge's Report and Recommendations, Plaintiff's request to proceed *in forma pauperis* is **DENIED** and Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**. Furthermore, the Court finds that this case should be counted as a strike under 28 U.S.C. § 1915(g). As such, the Clerk is directed to place a § 1915(g) strike flag on the case.

IT IS SO ORDERED this 6th day of September 2011.

P. K. Holmes, III

P.K. HOLMES, III
UNITED STATES DISTRICT JUDGE