

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

MARCUS FIELDS

PLAINTIFF

v.

Case No. 11-2108

TIMOTHY SHARUM, *et al.*

DEFENDANTS

ORDER

Now on this 2nd day of November 2011, there comes on for consideration the report and recommendation filed herein on October 11, 2011, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. (Doc. 15). Plaintiff has not filed timely, written objections.

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 Motions to Proceed IFP (docs. 1 & 12) are DENIED, and Plaintiff's Complaint is DISMISSED WITH PREJUDICE on the grounds that Plaintiff fails 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 has named as defendants individuals who are immune from suit or who are not state actors and has made official capacity claims without alleging any policy, custom, or practice for official capacity liability.

Finally, this dismissal is considered a "strike" pursuant to the "three strikes" provision of 28 U.S.C. § 1915(g), and the U.S. District Clerk is directed to appropriately flag this case.

IT IS SO ORDERED.

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