

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

GUY CLAYTON BARNES

PLAINTIFF

v.

Case No. 12-2116

SERGEANT NAPIER, Fort Smith
Police Department; CHIEF
KEVIN D. LINDSEY; DETECTIVE
ERIC FAIRLESS

DEFENDANTS

ORDER

Now on this 5th day of September 2013, there comes on for consideration the report and recommendation filed herein on August 13, 2013, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. (Doc. 27). Also before the Court are Plaintiff's written objections. (Doc. 28).

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, Defendants' Motion for Summary Judgment (doc. 21) is GRANTED, and Plaintiff's Complaint is DISMISSED WITH PREJUDICE as probable cause existed for Plaintiff's arrest. Alternatively, Napier is entitled to qualified immunity, and to the extent Plaintiff's claim may be construed as a claim for wrongful conviction, malicious prosecution, or seeking reversal of his conviction, it is not cognizable. Finally, Plaintiff pleaded no basis of liability for either Chief Lindsey or Detective Fairless.

IT IS SO ORDERED.

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