

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

CEDRIC GREENE

PLAINTIFF

v.

No. 2:19-CV-02053

TERRI HARRIS and
VICKI BROACH

DEFENDANTS

OPINION AND ORDER

Before the court is Plaintiff Cedric Greene's motion (Doc. 3) for leave to proceed in forma pauperis. That motion has been referred to a United States Magistrate Judge consistent with the practice in this district. The court finds that the resolution of this motion is sufficiently straightforward and immediate resolution serves judicial efficiency, so good cause exists to vacate the referral to the Magistrate Judge under 28 U.S.C. § 636(c)(4).

The court may allow a party to commence a suit in forma pauperis under 28 U.S.C. § 1915(a). The court "shall dismiss" an action filed in forma pauperis if the court determines that the action is frivolous, fails to state a claim on which relief may be granted, or seeks damages from a defendant immune from damages. 28 U.S.C. § 1915(e)(2).

Plaintiff previously sued these same Defendants on identical grounds. *Cedric Greene, Jr. v. Terri Harris*, No. 6:15-cv-06086-RTD (filed Aug. 24, 2015). The court dismissed that action because Defendants have prosecutorial immunity from suit and that Plaintiff's complaint failed to state a claim on which relief could be granted. The Eighth Circuit Court of Appeals affirmed.

For the same reasons set forth in that case, Plaintiff again fails to state a claim on which relief may be granted and seeks damages from defendants immune to suit from damages. Additionally, the doctrine of res judicata prevents Plaintiff from again bringing a case that he has already lost, and the instant complaint is frivolous. Whether or not Plaintiff were to proceed in

forma pauperis, dismissal of his case would be appropriate.

IT IS THEREFORE ORDERED that the referral to the Magistrate Judge is VACATED and Plaintiff's motion (Doc. 3) for leave to proceed in forma pauperis is DENIED.

IT IS FURTHER ORDERED that this case is DISMISSED WITH PREJUDICE. Judgment will be entered accordingly.

IT IS SO ORDERED this 25th day of April, 2019.

/s/ P. K. Holmes, III

P.K. HOLMES, III
U.S. DISTRICT JUDGE