

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

SARAH MARIE CHERMAK

PLAINTIFF

v.

Case No. 3:14-CV-03072

CHRISTOPHER CARTER, Boone County
Prosecuting Attorney; RON KINCADE, Boone
County Prosecuting Attorney; DUSTIN MCDANIEL,
Arkansas Attorney General; and JOHN THURSTON,
Commissioner of State Lands

DEFENDANTS

ORDER

Now before the Court is the Report and Recommendation (“R&R”) (Doc. 35) of the Honorable Erin L. Setser, Magistrate Judge for the Western District of Arkansas. On July 14, 2014, Judge Setser granted *pro se* Plaintiff Sarah Marie Chermak leave to proceed *in forma pauperis*. (Doc. 5). Pursuant to 28 U.S.C. §1915(e)(2)(B), Judge Setser then screened the Complaint in order to determine whether the action “(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” The recommendation resulting from that screening is now ripe for consideration.

Chermak contends that Defendants, who are all employees or officers of the State of Arkansas, wrongfully converted her lawful title to real property by placing the property in the name of another person. She maintains that Defendants’ conduct violated the Arkansas Constitution, Arkansas statutory law, and her right to due process pursuant to the Fourteenth Amendment of the United States Constitution. As Chermak and Defendants are non-diverse citizens of Arkansas, the sole basis for federal jurisdiction is the presence of a federal question—her due process claim. See 28 U.S.C. § 1331.