

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

DOUGLAS DANCER

PLAINTIFF

V.

CASE NO. 10-CV-4118

BRENT HALTOM,
Prosecuting Attorney, et al.

DEFENDANTS

JUDGMENT

Before the Court is the Report and Recommendation filed November 16, 2010, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 10). Judge Bryant recommends the denial of Plaintiff Douglas Dancer's Motion to Proceed In Forma Pauperis (Doc. 3) and the dismissal of his complaint. Dancer has responded with timely objections. (Doc. 11). After reviewing the record *de novo*, the Court adopts Judge Bryant's Report and Recommendation as its own.

In his objections to the Report and Recommendation, Plaintiff states the following: (1) he thought that he was filing a lawsuit against Brent Haltom; (2) no state charges have been filed against him; and (3) he has been false ly accused. As noted in Judge Bryant's Report and Recommendation, Brent Haltom is a prosecuting attorney and is entitled to absolute immunity in this case. *See, e.g., Brodnicki v. City of Omaha*, 75 F.3d 1261 (8th Cir. 1996) (county prosecutors are entitled to absolute immunity from suit). Further, Plaintiff's claims regarding any false allegations, the legitimacy of

his arrest, and the fact that no charges have been filed against him should be litigated in his ongoing state criminal case. *See Harmon v. City of Kansas City*, 197 F.3d 321, 325 (8th Cir. 1999).

The Court has reviewed Dancer's objections and finds no merit in the objections. Accordingly, for reasons stated herein and above, as well as those contained in Judge Bryant's Report and Recommendation (Doc. 10), Plaintiff Dancer's Motion for Leave to Proceed In Forma Pauperis (Doc. 3) is **DENIED** and his complaint is **DISMISSED**. Plaintiff Dancer is advised that this case is considered a "strike" pursuant to the "three strikes" provision in 28 U.S.C. § 1915(g), and the Clerk is directed to place the appropriate flag on this case. The Clerk is also directed to collect the \$350.00 filing fee from Plaintiff.

IT IS SO ORDERED, this 9th day of December, 2010.

/s/ Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge