

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

TOMMY HALL

PLAINTIFF

v.

Case No. 4:11-CV-04056

TEXARKANA, ARKANSAS POLICE
DEPARTMENT; and PROSECUTING
ATTORNEY CARLTON JONES

DEFENDANTS

ORDER

Currently before the Court is the Report and Recommendations (Doc. 15) filed in this case on September 27, 2011, by the Honorable Barry A. Bryant, United States Magistrate for the Western District of Arkansas. Also before the Court are Plaintiff's Objections (Doc. 17) to the Report and Recommendations.

The court has reviewed this case and, being well and sufficiently advised, finds as follows: Plaintiff's objections offer neither law nor fact requiring departure from the Report and Recommendation. Plaintiff argues that the Report and Recommendation failed to take into account his claim that certain State Court judgments entered against him were void. Plaintiff seems to make the argument that he is bringing claims, separate from his due process claims, under Federal Rule of Civil Procedure 60(b), which Plaintiff argues contains no statute of limitations. Federal Rule of Civil Procedure 60(b) does not provide a cause of action for plaintiffs seeking to void judgments rendered in state court and is otherwise inapplicable to this case. Furthermore, under Rule 60(c), any motion brought under Rule 60(b) must be brought "within a reasonable time" and "no more than a year after the entry of the judgment or order or the date of the proceeding." Fed. R. Civ. P. 60(c).

The Court finds that the Report and Recommendation is proper and should be and hereby is **ADOPTED IN ITS ENTIRETY**. Accordingly, for the reasons stated herein and in the Magistrate

Judge's Report and Recommendations, Plaintiff's Complaint is **DISMISSED WITH PREJUDICE** as his claims are barred by the statute of limitations. The dismissal of this case constitutes a strike under the Prison Litigation Reform Act, 28 U.S.C. § 1915(g). The Clerk is therefore directed to place a § 1915(g) strike flag on the case.

IT IS FURTHER ORDERED that any and all motions which remain pending are DISMISSED AS MOOT.

IT IS SO ORDERED this 21st day of October, 2011.

P. K. Holmes, III

P.K. HOLMES, III
UNITED STATES DISTRICT JUDGE