

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

ERIC FLORES

PLAINTIFF

VS.

Civil No. 4:12-cv-4144

UNITED STATES ATTORNEY GENERAL;
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES; and
SIERRA MEDICAL CENTER, a Public Health Service

DEFENDANTS

JUDGMENT

Before the Court is the Report and Recommendation filed January 3, 2013, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 5). Judge Bryant recommends that the above-styled case be dismissed with prejudice for failure to state claim upon which relief may be granted. Judge Bryant further recommends (1) that the Court impose a \$350 sanction on Plaintiff based upon his history of frivolous and bad faith filings in the Western District of Texas; (2) that the Court bar Plaintiff from filing any further complaint or petition in this Court without first satisfying the \$350.00 sanction imposed in this case and obtaining the permission of a district judge of the Western District of Arkansas to proceed; and (3) that Court direct the Clerk to accept no further pleadings from Plaintiff, except for a request for permission to proceed with filing a new complaint, unless he can demonstrate that he is in imminent danger of serious personal injury.

The parties have not filed objections to the Report and Recommendation, and the time to

object has passed. *See* 28 U.S.C. § 636(b)(1).¹ Therefore, the Court adopts the Report and Recommendation *in toto*. Plaintiff's claims are **DISMISSED WITH PREJUDICE**. Plaintiff is hereby sanctioned and barred from filing any further complaint or petition in this Court without first satisfying the \$350.00 sanction and obtaining the permission of a district judge of the Western District of Arkansas to proceed. The Clerk is directed to accept no further pleadings from Plaintiff, except for a request for permission to proceed with filing a new complaint, unless he can demonstrate that he is in imminent danger of serious personal injury.

IT IS SO ORDERED, this 25th day of January, 2013.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District Judge

¹The Court previously issued an Order to Show Cause directing Plaintiff to show cause why his Complaint should not be dismissed on grounds of frivolity. (ECF No. 4). That order was sent to Plaintiff and returned as undeliverable. The Report and Recommendation sent to Plaintiff has also been returned as undeliverable.