

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

J.C. OTIS COLLINS

PLAINTIFF

vs.

Civil No. 4:13-cv-4118

MR. MITCH, Supervisor of
River Ridge Treatment Center

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed February 20, 2014, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 12). Judge Bryant recommends that Plaintiff J.C. Otis Collins's ("Collins") Motion for Service be denied, and Plaintiff's case be dismissed. On March 3, 2014, Collins filed objections to Judge Bryant's Report and Recommendation. (ECF No. 13). After reviewing the record *de novo*, the Court adopts Judge Bryant's Report and Recommendation as its own.

Collins objects to the Report and Recommendation because he asserts that he has sufficiently alleged facts to establish a defamation claim and a claim for violation of privacy. As to Collins's defamation claim, Judge Bryant properly stated that a defamation claim is not actionable under 42 U.S.C. § 1983. *Paul v. Davis*, 424 U.S. 693, 710-12 (1976); *Ellingburg v. Lucas*, 518 F.2d 1196, 1197 (8th Cir. 1975). As to Collins's claim for violation of privacy, Judge Bryant properly stated that Plaintiff's claim fails because his suit is against a private individual. Under 42 U.S.C. § 1983, a private actor is not liable unless the plaintiff demonstrates a conspiracy between the private actor and a state actor. *Dossett v. First State Bank*, 399 F.3d

940, 951 (8th Cir. 2005). In this case, Collins has not demonstrated that Defendant engaged in a conspiracy with a state actor.

For the reasons set forth above, the Court overrules Collins's objections and adopts Judge Bryant's Report and Recommendation. (ECF No. 12). Accordingly, Plaintiff's Motion for Service is **DENIED**, and this case is **DISMISSED**.

IT IS SO ORDERED, this 10th day of April, 2014.

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