

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

CEDRIC MARTIN

PLAINTIFF

vs.

Case No. 14-cv-4009

DEWAYNE FLOYD; NURSE N. BROWN;
and LIEUTENANT ADAMS

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed April 29, 2015 by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 35). Judge Marschewski recommends that Plaintiff's Complaint (ECF No. 1) be dismissed on the grounds that Plaintiff has failed to comply with the Federal Rules of Civil Procedure and Local Rules and has failed to prosecute this matter. *See* Local Rule 5.5(c)(2); Fed. R. Civ. P. 41(b). Plaintiff Cedric Martin has filed an objection to the Report and Recommendation. (ECF No. 36). The Court finds this matter ripe for its consideration.

Martin objects to the Report and Recommendation, asserting that he has been denied access to the Federal Rules of Civil Procedure and the Local Rules because there is no law library at the Miller County Detention Center. While pro se pleadings are to be construed liberally, a pro se litigant is not excused from complying with substantive and procedural law. *Burgs v. Sissel*, 745 F.2d 526, 528 (8th Cir. 1984). Martin's lack of access to a law library and the inability to consult with an attorney does not constitute an excuse for his failure to comply with the rules. A prisoner has access to the courts if the state provides the prisoner the capability to bring challenges before the courts, which was provided here. *See Lamp v. Iowa*, 122 F.3d 1100, 1105 (8th Cir. 1997). Moreover, Martin is not entitled to an attorney on his civil claim. Therefore, Martin's objections should be overruled.

Accordingly, the Report and Recommendation is adopted *in toto*. For the reasons stated in the Report and Recommendations and the reasons stated herein, Plaintiff's Complaint (ECF No. 1) is hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED, this 12th day of May, 2015.

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