

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

KAIRI WAYNE WEBSTER

PLAINTIFF

V.

CASE NO. 4:16-CV-04100

SHERIFF RON STOVALL, *et al.*

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation entered by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas, on November 21, 2016. ECF No. 6. Plaintiff has filed objections. ECF Nos. 11, 13. The Court finds this matter ripe for consideration.

Judge Bryant recommends dismissal of the present action on *res judicata* grounds as Plaintiff has previously filed an action based on the same facts and allegations. The previous case was dismissed with prejudice for failure to state a claim. ECF No. 24, Case No. 4:14-CV-04125. Although Plaintiff has filed two timely objections to the present Report and Recommendation, neither is responsive to the issues regarding *res judicata* raised by Judge Bryant.

The first objection is based on Plaintiff's belief that Judge Bryant recommends dismissal "due to the fact of no statement of claim filed" with the Complaint. ECF No. 11. However, as noted above, Judge Bryant recommends dismissal of this action based on the fact that this claim has previously been before the Court and was dismissed with prejudice—not for lack of a statement of the claim. In Plaintiff's second objection he simply re-states his argument that his constitutional rights were violated by Defendants and attaches various grievance forms that he

previously filed in Case No. 4:14-CV-04125. Therefore, it is evident that Plaintiff has failed to make specific objections so as to trigger *de novo* review.

Accordingly, the Court adopts Judge Bryant's Report and Recommendation (ECF No. 6) *in toto*. Plaintiff's claims are hereby **DISMISSED WITH PREJUDICE**. Furthermore, this dismissal shall be counted as a strike for purposes of 28 U.S.C. § 1915(g).

IT IS SO ORDERED, this 8th day of February, 2017.

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