

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

PAUL HARRIS

PLAINTIFF

v.

Civil No. 4:16-cv-4116

BRYAN CHESSHIR, Prosecuting Attorney;
ERIN HUNTER, Prosecuting Attorney, Little
River County; and MICKEY BUCHANAN,
Public Defender, Little River County

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed December 12, 2016, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 8). Plaintiff filed a *pro se* action pursuant to 42 U.S.C. § 1983 on June 10, 2016, alleging that his constitutional rights were violated because he was denied an evidentiary hearing. (ECF No. 2). In addition, Plaintiff alleges that Defendants Buchanan and Chesshir forced him to involuntarily enter into a plea agreement for a crime he did not commit. *Id.*

Judge Bryant recommends that Plaintiff's claims against all Defendants should be dismissed pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i-iii) and 1915A(a) because Defendants Chesshir and Hunter are both prosecutors and, therefore, immune from civil suits for damages filed under § 1983. Moreover, Judge Bryant found that Plaintiff failed to state a cognizable claim under § 1983 against Defendant Buchanan because public defenders are not subject to suit under the statute. In addition, Judge Bryant found that Plaintiff's claims regarding his confinement resulting from his plea agreement and his claims relating to the validity of his criminal charges fail to state cognizable claims under § 1983. Judge Bryant also recommends that the dismissal of the action be considered a "strike" pursuant to 28 U.S.C. § 1915(g).

No party has filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Upon review, the Court adopts the Report and Recommendation *in toto*. Accordingly, Plaintiff's Complaint (ECF No. 2) is **DISMISSED WITH PREJUDICE**. In addition, the Clerk of Court is directed to place a § 1915(g) strike flag on the case.

IT IS SO ORDERED, this 5th day of January, 2017.

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