

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

MICHAEL EDWARD RILEY

PLAINTIFF

v.

Case No. 4:24-cv-04130

SPECIAL AGENT JOHN JONES;
INVESTIGATOR JAKE EUDY;
CHIEF DEPUTY JOEY DAVIS;
CIRCUIT JUDGE TOM COOPER;
CIRCUIT JUDGE BRYAN CHESSIR;
SHERIFF BRYAN MCJUNKINS;
JAIL ADMIN JANA TALLENT;
9th WEST JUDICIAL CIRCUIT COURT;
9th WEST JUDICIAL DRUG TASK FORCE;
HOWARD COUNTY SHERIFF'S OFFICE;
HOWARD COUNTY DETENTION CENTER;
and PROSECUTOR AARON BRASSEL

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed February 7, 2025, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 8). Judge Bryant recommends that: (1) all claims against Defendants Judge Tom Cooper ("Judge Cooper"), Judge Bryan Chesshir ("Judge Chesshir"), and Prosecutor Aaron Brasel ("Prosecutor Brasel") be dismissed pursuant to 28 U.S.C. § 1915A(b)(2) because these Defendants are immune from suit; (2) Defendants Judge Cooper, Judge Chesshir, and Prosecutor Brasel be dismissed from this action; (3) all claims against Defendants Sheriff Bryan McJunkins ("Sheriff McJunkins"), Howard County Jail, Howard County Sheriff's Office, 9th West Judicial Drug Task Force, and 9th West Judicial Circuit Court be dismissed without prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted; (4) Defendants Sheriff McJunkins, Howard County Jail, Howard County Sheriff's Office, 9th West Judicial Drug Task Force, and 9th West Judicial Circuit Court be dismissed from the instant action; and (5) the Due Process and First Amendment claims

against Defendants Special Agent John Jones (“Agent Jones”), Investigator Jake Eudy (“Investigator Eudy”), and Chief Deputy Joey Davis (“Deputy Davis”), in their individual and official capacities, remain for further litigation.

Plaintiff has not responded to the Report and Recommendation, and the time to do so has passed. *See* 28 U.S.C. § 636(b)(1). Upon review, finding no clear error on the face of the record and that Judge Bryant’s reasoning is sound, the Court adopts the Report and Recommendation (ECF No. 8) *in toto*. Accordingly:

- (1) all claims against Defendants Judge Cooper, Judge Chesshir, and Prosecutor Brasel should be and hereby are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915A(b)(2) because these Defendants are immune from suit;
- (2) Defendants Judge Cooper, Judge Chesshir, and Prosecutor Brasel are **DISMISSED** from this action;
- (3) all claims against Defendants Sheriff McJunkins, Howard County Jail, Howard County Sheriff’s Office, 9th West Judicial Drug Task Force, and 9th West Judicial Circuit Court should be and hereby are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted;
- (4) Defendants Sheriff McJunkins, Howard County Jail, Howard County Sheriff’s Office, 9th West Judicial Drug Task Force, and 9th West Judicial Circuit Court are **DISMISSED** from the instant action; and
- (5) All Due Process and First Amendment claims against Defendants Agent Jones, Investigator Eudy, and Deputy Davis, in their individual and official capacities, shall remain for further litigation.

IT IS SO ORDERED, this 5th day of March, 2025.

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