

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

ASSEFA GABREL EGZIABHER, JR.

PLAINTIFF

v.

Civil No. 11-5088

CHARLES M. DUELL ET AL.

DEFENDANTS

O R D E R

NOW on this 17th day of October 2011, comes on for consideration the **Report and Recommendation of the Magistrate Judge** (Doc. 9) and Defendant's objections thereto (Docs. 24 and 25). The Court, being well and sufficiently advised, finds and orders as follows:

1. Plaintiff, who is proceeding *pro se*, brings a claim against Charles Duell, who was a deputy prosecutor in the Washington County Prosecutor's Office. Plaintiff brings his case against Duell under 42 U.S.C. § 1983

2. As the Magistrate Judge noted in her Report and Recommendation, Duell is immune from suit.

3. Further, as the Magistrate Judge noted in her Report, to the extent Plaintiff is asserting a claim for malicious prosecution and/or false imprisonment, those claims do not state a constitutional injury and, thus, are not cognizable under § 1983.

4. Plaintiff's several objections to the Report and Recommendation state neither law nor facts to refute the findings in said Report.

IT IS THEREFORE ORDERED that the Plaintiff's objections are **overruled;**

IT IS FURTHER ORDERED that the Magistrate Judge's Report and Recommendation (Doc. 9) is hereby **adopted in toto;**

IT IS FURTHER ORDERED that, for the reasons stated in the Magistrate Judge's Report and Recommendation, Plaintiff's claims against Duell are hereby **DISMISSED.**

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
HON. JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE