

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

BRIAN T. JORDAN

PLAINTIFF

v.

Civil No. 11-5172

SGT. BRANDON CARMEAN; DEPUTY  
MICHAEL NIEL; INVESTIGATOR JEREMY D.  
FELTON; INVESTIGATOR KENNETH PAUL;  
and PROSECUTING ATTORNEY  
STEPHANIE MCLENORE

DEFENDANTS

**ORDER**

NOW on this 28<sup>th</sup> day of November 2011, comes on for consideration the Report and Recommendation (R&R) of the Magistrate Judge (document #15), filed on October 19, 2011, and the objections to the Report and Recommendation of the Magistrate Judge (document #20), filed on November 2, 2011. The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. The plaintiff filed this civil rights action under the provisions of 42 U.S.C. § 1983 *in forma pauperis*. Pursuant to 28 U.S.C. § 1915(e), the Court has the obligation to screen any complaint filed *in forma pauperis*.

2. In his R&R filed October 19, 2011 (document #15), U.S. Magistrate Judge James R. Marschewski, recommends that several of plaintiff's claims be dismissed. Particularly, the R&R recommends the following:

\* that plaintiff's claims against Prosecuting Attorney Stephanie McLenore be dismissed because the prosecuting attorney is

immune from suit;

\* that plaintiff's claims that he was falsely charged with witness tampering be dismissed; and,

\* that plaintiff's claims for malicious prosecution be dismissed.

3. The plaintiff filed timely objections to the R&R, contending that both Stephanie McLenore and investigator Kenneth D. Paul knew the charges of witness bribery were false.

4. After a review of the matter, the Court finds that plaintiff's objections offer nothing either in law or fact which would warrant rejection of the R&R. The objections of the plaintiff (document #20) will, therefore, be overruled and the R&R will be adopted *in toto*.

**IT IS THEREFORE ORDERED**

\* that the objections of the plaintiff (document #20) to the **Report And Recommendation** of the Magistrate Judge should be, and they hereby are, **overruled**; and

\* that the said **Report and Recommendation** of the Magistrate Judge should be, and it hereby is, **adopted in toto**.

**IT IS FURTHER ORDERED** that the following claims be dismissed:

\* plaintiff's false arrest claims;

\* plaintiff's malicious prosecution claims;

\* plaintiff's claims against Prosecuting Attorney Stephanie McLenore; and

\* plaintiff's claims against Investigator Kenneth Paul.

**IT IS SO ORDERED.**

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