

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

JOHNNY LEE NICHOLS, JR.

PLAINTIFF

v.

Civil No. 11-5282

STATE OF ARKANSAS, Benton
County Circuit Court, Division I;
CIRCUIT JUDGE ROBIN F. GREEN;
PUBLIC DEFENDER BRYNNA BARNICA;
JOHN DOE; PROSECUTOR VAN STONE;
PROSECUTOR JAY SAXTON; and
BRENDA DESHIELDS, Benton County Circuit Clerk

DEFENDANTS

ORDER

NOW on this 26th day of March 2012, comes on for consideration the Report and Recommendation (R&R) of the Magistrate Judge (document #10), filed on March 9, 2012, and the objections to the Report and Recommendation of the Magistrate Judge (document #11), filed on March 19, 2012. 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 March 9, 2012 (document #10), U.S. Magistrate Judge James R. Marschewski, recommends that plaintiff's case be dismissed.

3. The plaintiff filed timely objections to the R&R.

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 #11) will, therefore, be overruled and the R&R will be adopted *in toto*.

IT IS THEREFORE ORDERED

* that the objections of the plaintiff (document #11) to the **Report And Recommendation** of the Magistrate Judge should be, and they hereby are, **overruled**; and

* that the **Report and Recommendation of the Magistrate Judge** (document #10) should be, and it hereby is, **adopted in toto**.

IT IS FURTHER ORDERED that the complaint be dismissed in its entirety because the claims asserted are frivolous or are asserted against individuals immune from suit. 28 U.S.C. § 1915(e) (2) (B) (I-iii). The dismissal of this action constitutes a "strike" under 28 U.S.C. § 1915(g) and the Clerk is directed to place a § 1915(g) strike flag on the case.

IT IS SO ORDERED.

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