

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

DANIEL RAY BROWN

PLAINTIFF

v.

Case No. 09-6034

LARRY NORRIS, *et al.*

DEFENDANTS

ORDER

Now on this 28th day of April 2010, there comes on for consideration the report and recommendation filed herein on April 6, 2010, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 16). The parties did not file any written objections to the report and recommendation.

The court has reviewed this case and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, the motion to dismiss (doc. 12) filed by Separate Defendants Larry Norris, Kathy Brown, Mike Pippin and Ernest Sanders, Jr. is GRANTED. Plaintiff's claims against Ernest Sanders are DISMISSED WITH PREJUDICE as barred by the Eleventh Amendment and the doctrine of judicial immunity. Plaintiff's claims against Mike Pippin are DISMISSED WITH PREJUDICE as he is immune from suit, and Plaintiff's claims that challenge the revocation of his parole and subsequent incarceration are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). Plaintiff's claims for monetary damages against Larry Norris and Kathy Brown are barred by

the doctrine of sovereign immunity under the Eleventh Amendment and DISMISSED WITH PREJUDICE. Plaintiff's claims of a constitutional violation for being charged a co-pay, verbal harassment by unnamed staff members, insufficient indigent supplies and improper handling of grievances are DISMISSED WITHOUT PREJUDICE for failure to state a claim. Plaintiff's claim against Janna Lock for denial of adequate medical care remains.

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge