

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

SIDNEY TATE, JR.

PLAINTIFF

v.

Case No. 09-6055

DETECTIVE LARRY PATRICK, *et al.*

DEFENDANTS

ORDER

Now on this 9th day of November 2009, there comes on for consideration the report and recommendation filed herein on October 23, 2009, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 7). Also before the Court are Plaintiff's written objections to the report and recommendation (Doc. 8).

The court has reviewed this case *de novo* 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, Plaintiff's claims for (1) false arrest, false testimony and false imprisonment; (2) denial of counsel; (3) verbal threats or harassment; and (4) excessive force or failure to protect asserted against Detective Hrvatin are DISMISSED as they are frivolous, fail to state claims upon which relief may be granted or are not presently cognizable under 42 U.S.C. § 1983. See 28 U.S.C. § 1915A(b). Separate Defendant Detective Hrvatin is DISMISSED as a Defendant in this matter. This leaves for later

resolution the excessive force claims asserted against Detective Patrick and Detective Jessup.

IT IS SO ORDERED.

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