

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

ERIC SHAW

PLAINTIFF

v.

Case No. 09-6113

BRENDAN DONAHUE,  
Prosecuting Attorney

DEFENDANT

ORDER

Now on this 10th day of December 2009, there comes on for consideration the report and recommendation filed herein on November 24, 2009, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 3). Also before the Court are Plaintiff's written objections (Doc. 4).

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 request to proceed in forma pauperis is DENIED, and Plaintiff's Complaint is DISMISSED on the grounds that the claims are frivolous, asserted against an individual who is immune from suit, and/or fail to state claims on which relief can be granted. See 28 U.S.C. § 1915(e)(2)(B)(i)-(iii) (IFP action may be dismissed on such grounds at any time). Plaintiff is advised that this dismissal is considered a "strike" for purposes of the Prison Litigation Reform Act. 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

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