

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

DETRIC CONWAY

PLAINTIFF

v.

Case No. 6:15-cv-6028

STEVEN D. OLIVER, District Attorney;
PAUL NORRIS, Detective; SCOTT
LAMPINEN, Detective; J. BLAKE HENDRIX,
Public Defender; JOE GRAHAM, D.A. Assistant

DEFENDANTS

ORDER

Before the Court is the Amended Report and Recommendation filed by Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 9). Plaintiff has timely filed objections. (ECF No. 10). The Court finds this matter ripe for its consideration.

Judge Bryant recommends a finding that the claims against Steven D. Oliver and Joe Graham be dismissed because they are immune from suit as prosecuting attorneys. He recommends that Plaintiff has failed to state a cognizable claim against J. Blake Hendrix. Judge Bryant recommends that the claims against Paul Norris and Scott Lampinen proceed. Defendant has filed timely objections, asserting that absolute immunity is inapplicable to Oliver and Graham in this case.

A prosecutor's absolute immunity from a civil suit for damages is broad. *See Imbler v. Pachtman*, 424 U.S. 409, 431 (1976). "Even if [a prosecutor] knowingly presented false, misleading, or perjured testimony, or even if he withheld or suppressed exculpatory evidence, he is absolutely immune from [a §1983] suit." *Reasonover v. St. Louis County, Mo.*, 447 F.3d 569, 580 (8th Cir. 2006). Under the PLRA, Defendants are not required to come in and defend a civil suit if the Court finds that the Plaintiff's causes of action seek monetary relief against a Defendant who is immune from such relief. Plaintiff's allegations in his Complaint seek monetary relief from immune Defendants.

Accordingly, Plaintiff's objections are overruled. The Report and Recommendation (ECF No. 9) is adopted *in toto*. Plaintiff's claims against Oliver, Hendrix, and Graham are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(I-iii) and 1915A(a). Service will be ordered against Defendants Norris and Lampinen in a separate Order.

IT IS SO ORDERED, this 27th day of June, 2016.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge