

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

BRANDON HOUSE

PLAINTIFF

v.

Case No. 6:15-cv-6121

ROBERT McCALLUM, Circuit Judge  
for Clark County, Arkansas;  
BLAKE BATSON, Prosecuting Attorney  
for Clark County, Arkansas; and  
DAN TURNER, Deputy Prosecuting Attorney  
for Clark County, Arkansas

DEFENDANTS

**ORDER**

Before the Court is the Report and Recommendation filed July 15, 2016, by the Honorable Mark E. Ford, United States Magistrate Judge for the Western District of Arkansas. ECF No. 10. Judge Ford recommends that Plaintiff's claims against all Defendants be dismissed without prejudice. Plaintiff has responded with objections. ECF No. 11. The Court finds the matter ripe for consideration.

Plaintiff is an inmate of the Miller County Correctional Facility in Texarkana, Arkansas. He filed this civil rights action pursuant to 42 U.S.C. § 1983, alleging several constitutional violations by Defendants. Judge Ford concluded that Defendants Batson and Turner, as prosecuting attorneys, were entitled to absolute immunity. *See Buckley v. Fitzsimmons*, 509 U.S. 259, 272-73 (1993) ("If the prosecutor is acting as advocate for the state in a criminal prosecution, then the prosecutor is entitled to absolute immunity."). Judge Ford further concluded that Defendant Judge McCallum, a Clark County Circuit Judge, is immune from suit. *See Robinson v. Freeze*, 15 F.3d 107, 108 (8th Cir. 1994) ("Judges performing judicial functions enjoy absolute immunity from § 1983 liability.).

Plaintiff simply argues in his objections that the Defendants are not entitled to immunity.<sup>1</sup> Plaintiff offers no law in support of this argument. The Court agrees with Judge Ford's reasoning and conclusion that Defendants Batson and Turner are entitled to absolute immunity and that Defendant Judge McCallum is immune from suit.

For the reasons stated above, based on its own de novo review, the Court overrules Plaintiff's objections and adopts the Report and Recommendation *in toto*. ECF No. 10. Plaintiff's claims against all Defendants are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i-iii) and 1915A(a).

**IT IS SO ORDERED**, this 7th day of September, 2016.

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

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<sup>1</sup> Plaintiff offers several objections that are not related to the immunity issues. The Court need not consider these objections because it finds that all Defendants are entitled to immunity.