

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JASMINE MCDANIEL,	)	
	)	
Plaintiff.	)	
	)	
v.	)	No. 4:14CV1665 HEA
	)	
CITY OF WARRENTON, et al.,	)	
	)	
Defendants.	)	

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court upon plaintiff's motion for reconsideration of the Court's dismissal of her pro se complaint. [ECF No. 10]. Plaintiff's complaint, which was brought under 42 U.S.C. § 1983 against the City of Warrenton, the prosecutor from her criminal case, her public defender, and the judge, requested that the Court vacate her sentence and order that she be released from prison immediately.

The Court dismissed the complaint because challenges to the validity of a prisoner's confinement or to matters affecting its duration fall within the province of habeas corpus and, therefore, must be brought pursuant to 28 U.S.C. § 2254. *Preiser v. Rodriguez*, 411 U.S. 475, 489 (1973). Further, the Court found that plaintiff failed to state claims against the prosecutor, public defender, and judge, because of the immunity associated with their respective positions. *See Brodnicki v. City of Omaha*, 75 F.3d 1261, 1266 (8th Cir. 1996); *Polk County v. Dodson*, 454 U.S. 312, 325 (1981); *Penn v. United States*, 335 F.3d 786, 789 (8th Cir. 2003).

Plaintiff has not set forth any meritorious grounds for review of the dismissal of this action in her motion. As such, plaintiff's motion for reconsideration will be denied.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for reconsideration of the dismissal of this action [ECF No. 10] is **DENIED**.

Dated this 21<sup>st</sup> day of November, 2014.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", written in a cursive style with a long horizontal flourish extending to the right.

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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE