

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
BATESVILLE DIVISION**

FRANCES RENEE
MILLER/PERRY *et al.*
ADC #708998

PLAINTIFFS

V.

NO: 1:08CV00031 SWW/HDY

MARK CULLIOM *et al.*

DEFENDANTS

ORDER

Plaintiff Frances Renee Miller/Perry¹ filed this *pro se* complaint, pursuant to 42 U.S.C. § 1983, on May 28, 2008 (docket entry #2), alleging that she has been assaulted, and denied medical treatment, while she has been incarcerated at the Arkansas Department of Correction's McPherson Unit.

Plaintiff's complaint contained multiple, legally distinct claims, and she was directed to narrow her complaint to one claim. When she failed to do so, the undersigned recommended that her complaint be dismissed. However, Plaintiff filed objections to that recommendation, and in those objections indicated her desire to continue with claims that arose during an alleged use of excessive force on July 2, 2007 (docket entry #32). On December 2, 2008, United States District Judge Susan W. Wright adopted the recommendation in part, and dismissed all of Plaintiff's claims except for those against Defendants Mark Culliom and John Maples, which arose from the alleged incident of July 2, 2007. Judge Wright also construed the objections as a motion to amend, and referred the matter to the undersigned for further proceedings. Construing Plaintiff's amended

¹Former Plaintiff William Earl Miller was dismissed on August 7, 2008, at his request (docket entry #19). As used herein, "Plaintiff" will refer solely to Miller/Perry.

complaint liberally, the Court concludes that, for screening purposes, Plaintiff states a cognizable claim for relief under 42 U.S.C. § 1983 against Defendants Culliom, and Maples, and has also arguably moved to include correctional officers Christy Boozer, Anderson, and Pope as Defendants. That motion will be granted, and service ordered.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's motion to amend (docket entry #32) is GRANTED, and the Clerk is directed to add as Defendants Christy Boozer, Anderson, and Pope.

2. Service is appropriate on Defendants Mark Culliom, John Maples, Christy Boozer, Anderson, and Pope, and the United States Marshal is directed to serve a copy of the complaint (docket entry #2), amended complaint (docket entry #28), this order, and summons, on said Defendants, without prepayment of fees and costs or security therefor.

DATED this 5 day of December, 2008.



UNITED STATES MAGISTRATE JUDGE