

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

LISA MURPHY,  
ADC #760343

PLAINTIFF

v.

NO. 1:14CV0006 JLH/JTR

DR. J. HUGHES,  
McPherson Unit, ADC, *et al.*

DEFENDANTS

**OPINION AND ORDER**

Lisa Murphy is a prisoner in the McPherson Unit of the Arkansas Department of Correction. She has filed a *pro se* substituted complaint (Doc. No. 5) alleging that defendants violated her constitutional rights, as protected by 42 U.S.C. § 1983, and committed the pendent state tort of medical malpractice.

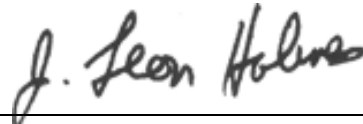
The Prison Litigation Reform Act requires federal courts to screen complaints filed by prisoners. 28 U.S.C. § 1915A(a). The Court must dismiss a complaint or a portion thereof if the prisoner has raised claims that are legally frivolous or malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b).

Murphy alleges that Hughes, Cole, Husten, and Warsham retaliated against her and failed to provide her with proper medical care for back, neck, and knee problems. According to Murphy, Williams knew about the alleged inadequate medical care, but failed to take corrective action. The Court concludes, for screening purposes only, that Murphy has stated plausible § 1983 and state medical malpractice claims against those five defendants. Thus, they will be served.

In contrast, Murphy's substituted complaint does not include any factual or legal allegations against Hutton-Glover, Booker, or Austin, who were named as defendants in her original complaint. Thus, they will be dismissed without prejudice from this lawsuit.

IT IS THEREFORE ORDERED THAT, pursuant to 28 U.S.C. § 1915A, Murphy's claims against Hutton-Glover, Booker, and Austin are dismissed without prejudice. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal would not be taken in good faith. The Clerk is directed to prepare a summons for Hughes, Cole, Husten, Warsham, and Williams, and the U.S. Marshal is directed to serve the summons, substituted complaint, and this Opinion and Order on them through the Humphries & Odum law firm without prepayment of fees and costs or security therefor. If any of the defendants are no longer Correct Care Solutions employees, the individual responding to service must file a sealed statement containing the unserved defendant's last known private mailing address.

DATED this 24th day of February, 2014.



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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE