

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

**MATTHEW W. BARNETT,
ADC #135607**

PLAINTIFF

V.

CASE NO. 1:16-CV-00156 BSM/BD

WENDY KELLEY, et al.

DEFENDANTS

ORDER

Mr. Barnett, an Arkansas Department of Correction inmate, filed this lawsuit without the help of a lawyer. (Docket entry #3) He claims that Defendants violated his rights guaranteed by the Constitution and also his rights under the Americans with Disabilities Act (“ADA”). The Court has ordered service of process for Defendants Kelley, Payne, Durham, Ramsey, and Pearce for the constitutional claims. (#5)

The Grimes Correctional Unit (“Grimes”) is not a proper Defendant for any of Mr. Barnett’s claims. He can sue the Arkansas Department of Correction, however, under the ADA. See *United States v. Georgia*, 546 U.S. 151, 126 S.Ct. 877 (2006) (Title II of the ADA authorized suits by private citizens for money damages against public entities that violate the Act). Therefore, the Clerk is instructed to substitute the Arkansas Department of Correction in place of the Grimes Correctional Unit as a Defendant. The Grimes Correctional Unit should be terminated as a Defendant.

The Clerk of Court is directed to prepare a summons for the Arkansas Department of Correction. The U.S. Marshal is directed to serve a copy of the complaint, along with any attachments (docket entry #3), and a summons for this Defendant without requiring

prepayment of fees and costs or security. Service for this Defendant should be through the Arkansas Attorney General's Office, 323 Center Street, Suite 200, Little Rock, Arkansas 72201.

IT IS SO ORDERED this 30th day of November, 2016.



UNITED STATES MAGISTRATE JUDGE