

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION

CEDRIC GLAZE,
ADC #132460

PLAINTIFF

v.

2:09CV00113HLJ

BOBBY MAY, et al.

DEFENDANTS

ORDER

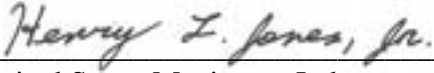
By Order dated August 26, 2009 (DE #3), this Court granted plaintiff's application to proceed in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983. However, finding plaintiff's complaint too vague and conclusory to enable the Court to determine whether it is frivolous, fails to state a claim, or states a legitimate claim, the Court directed plaintiff to submit an amended complaint within thirty days. Plaintiff has now submitted an amended complaint (DE #5). Having reviewed the original and amended complaints, and construing them together, it now appears to the Court that service is appropriate with respect to some of the defendants.

In addition, with respect to plaintiff's complaint, the Court notes that plaintiff has identified some defendants as "John Does, 1 & 2, Jailer, St. Francis County Detention Center." Since the identity of these defendants is not known, the Clerk can not issue summons, and the Marshal is unable to serve an unknown person. After the complaint is filed, plaintiff will be allowed to engage in limited discovery consistent with the Federal Rules of Civil Procedure, if necessary, to try to determine the identity of the John Does. Once plaintiff is able to identify defendants by name and address, the Court should be notified so that service can be ordered. Accordingly,

IT IS, THEREFORE, ORDERED that service is appropriate for the defendants Bobby May, Jonny Jones, Otis Smith, Justin Futrell, Jailer Scott, Daniel Getchell, Ronnie Heard, and Fred Houston. The

Clerk of the Court shall prepare summons for the defendants and the United States Marshal is hereby directed to serve a copy of the original (DE #2) and amended complaints (DE #5) and summons on defendants without prepayment of fees and costs or security therefore.

IT IS SO ORDERED this 4th day of September, 2009.



United States Magistrate Judge