

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

CHARLES A. WINSTON
ADC #84733

PLAINTIFF

V.

NO: 2:12CV00084 JMM/HDY

MARCUS I. ETHERLY *et al.*

DEFENDANTS

ORDER

Plaintiff, an Arkansas Department of Correction inmate, filed a *pro se* complaint on May 9, 2012. Because Plaintiff's complaint contained multiple and unrelated claims, he was ordered to file an amended complaint setting forth only those claims he wished to pursue which related to a single issue. Plaintiff filed his amended complaint on June 22, 2012.

In his amended complaint, Plaintiff asserts that Defendant Marcus I. Etherly used excessive force against him in a May 5, 2009, incident. Plaintiff further charges that when he filed two grievances against and a small claims lawsuit against Etherly, Etherly retaliated by filing false disciplinary charges against him on October 23, 2010, and confiscating grievance forms on November 1, 2010. Liberally construing Plaintiff's amended complaint, he has stated a claim that Etherly violated his constitutional rights by using excessive force against him, and retaliating against him for filing grievances and a lawsuit. Accordingly, service is appropriate for Etherly, and the United States Marshal is directed to serve a copy of the amended complaint (docket entry #8), this order, and summons, upon him, without prepayment of fees and costs or security therefor.

IT IS SO ORDERED this 17 day of July, 2012.



UNITED STATES MAGISTRATE JUDGE