

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

**NATHANIEL L. FITZGERALD**

**PLAINTIFF**

**V.**

**CASE NO. 3:09CV00065 SWW-BD**

**DICK BUSBY, *et al.***

**DEFENDANTS**

**ORDER**

The Court has screened the Plaintiff's Second Amended Complaint under 28 U.S.C. § 1915 and finds that service is appropriate for Defendant Shrader.

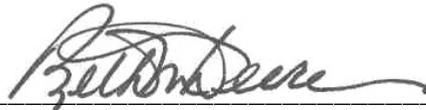
The Clerk of the Court is directed to prepare a Summons for Defendant Shrader, and the United States Marshal is directed to serve copies of the Complaint (docket entry #2), Amended Complaint (#6), and Second Amended Complaint (#11) with any attachments, and a Summons for Defendant Shrader through the Crittenden County Sheriff's Department, 350 AFCO Road, West Memphis, Arkansas 72301, without prepayment of fees and costs or security.

Service of the Second Amended Complaint is not appropriate for Defendant Babin or the Doe defendant. Plaintiff's claims against Defendant Babin will be addressed in a separate Report and Recommendation. With regard to the Doe defendant, the Federal Rules of Civil Procedure allow 120 days in which to serve defendants. FED. R. CIV. P. 4(m). If Plaintiff wishes to proceed against the Doe defendant, he is ordered to identify the Doe defendant on or before October 1, 2009.

The Court also finds that service is appropriate for Defendant Lindsey Peterson. Defendant Peterson previously was identified as a Doe Defendant.

The Clerk of the Court is directed to prepare a Summons for Defendant Peterson, and the United States Marshal is directed to serve copies of the Complaint (#2), Amended Complaint (#6), and Second Amended Complaint (#11) with any attachments, and a Summons for Defendant Peterson through the Crittenden County Sheriff's Department, 350 AFCO Road, West Memphis, Arkansas 72301, without prepayment of fees and costs or security.

IT IS SO ORDERED this 8th day of June, 2009.



---

UNITED STATES MAGISTRATE JUDGE