

**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

Plaintiff, a detainee at the Crittenden County Detention Facility, filed this § 1983 action pro se (docket entry #2) and submitted a motion to proceed *in forma pauperis* (#1). Because Plaintiff provided the documentation required by 28 U.S.C. § 1915(a), the Court previously granted Plaintiff's motion to proceed *in forma pauperis* (#4). Plaintiff has now filed an Amended Complaint.

Federal courts are required to screen prisoner complaints seeking relief against a governmental entity, officer, or employee. 28 U.S.C. § 1915A. The Court must dismiss a complaint or portion thereof if the prisoner has raised claims that: (a) are legally frivolous or malicious; (b) fail to state a claim upon which relief may be granted; or (c) seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A.

The Court has screened Plaintiff's Amended Complaint and it appears Plaintiff has stated a claim for deliberate indifference to his medical needs, excessive force, and failure to protect. Accordingly, service is proper for Defendants Busby, Boyd, Bonner, and Strong.

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 September 18, 2009.

The Clerk of Court shall prepare a summons for Defendants Busby, Boyd, Bonner, and Strong, and the United States Marshal is directed to serve copies of the Complaint and Amended Complaint with any attachments (docket entries #2 and #6), and a summons for these Defendants through the Crittenden County Sheriff's Department, 350 AFCO Road, West Memphis, Arkansas 72301, without prepayment of fees and costs or security therefor.

IT IS SO ORDERED this 22nd day of May, 2009.



UNITED STATES MAGISTRATE JUDGE