

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

JERRY HART

PLAINTIFF

V.

CASE NO. 3:10CV00015 JLH-BD

SHARON BEASLEY, et al.

DEFENDANTS

ORDER

Plaintiff, an inmate housed at the Crittenden County Detention Facility (“CCDF”), filed the instant law suit pro se and is proceeding *in forma pauperis*. (Docket entries #1 and #3). Because Plaintiff’s original Complaint was deficient, Plaintiff was ordered to file an Amended Complaint specifically explaining his constitutional claims. (#3) Plaintiff now has filed an Amended Complaint. (#7)

In his Amended Complaint, Plaintiff states that on July 23, 2009, he witnessed an incident between Defendant Sharon Beasley and another inmate at the CCDF. Plaintiff alleges that he made a comment about Defendant Beasley following the incident and that, as a result of the comment, Defendant Beasley placed Plaintiff in lockdown for seventy-two hours without a disciplinary hearing.

While most of the allegations made against Defendant Beasley in this case are duplicative of claims previously raised by Plaintiff in *Hart v. Beasley, et al.*,

3:09CV00022 WRW,¹ this case also includes a new allegation that Plaintiff was not provided a disciplinary hearing prior to his assignment to seventy-two hours in lockdown.

A pre-trial detainee may be subjected to disciplinary segregation only if he is provided a due process hearing to determine whether a rule violation has occurred. *Martinez v. Turner*, 977 F.2d 421, 423 (8th Cir. 1992). For screening purposes, Plaintiff has stated a due process claim, and service for Defendant Beasley is appropriate at this time. See 28 U.S.C. § 1915A. Service is not appropriate for Defendants Miller, Williams, H. Brown, Ingram, T. Brown, Walker, Jefferson, and Ooshie.

The Clerk of Court is directed to prepare a summons for Defendant Beasley, and the United States Marshal is directed to serve copies of the Complaint and the Amended Complaint with any attachments (docket entries #2 and #7), and a summons for this Defendant through the Crittenden County Detention Sheriff's Department, 350 AFCO Road, West Memphis, Arkansas 72301, without prepayment of fees and costs or security therefor.

The Clerk of the Court also is directed to send a copy of this Order to the Warden/Director of the Crittenden County Detention Facility, 350 AFCO Road, West Memphis, Arkansas 72301.

¹ Plaintiff also raised similar claims in *Hart v. Beasley, et al.*, 3:09cv157 WRW. In that case, the Court granted Plaintiff's motion to voluntarily dismiss his case. (#11)

IT IS SO ORDERED this 17th day of February, 2010.


UNITED STATES MAGISTRATE JUDGE