

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

DAVID M. CLARK,
ADC #930765

PLAINTIFF

V. 3:13CV00012 SWW/JTR

TOMMY HUSTAFER, Jailer,
Greene County Detention Center, et al.

DEFENDANTS

ORDER

Plaintiff, David M. Clark, is a convicted prisoner in the Greene County Detention Center. He has filed a *pro se* § 1983 Complaint and two Amended Complaints alleging that Defendants violated his constitutional rights.

The Prison Litigation Reform Act requires federal courts to screen prisoner complaints seeking relief against a governmental entity, officer, or employee. 28 U.S.C. § 1915A(a). The Court must dismiss a complaint or a 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(b). When making this determination, the Court must accept the truth of the factual allegations contained in the complaint. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Reynolds v. Dormire*, 636 F.3d 976, 979 (8th Cir. 2011).

Plaintiff alleges that, in December of 2012: (1) Defendant Nurse Sammie Johnston failed to provide him with adequate medical care when she refused to comply with a court order directing that he receive an unspecified medication prescribed for the treatment of post traumatic stress disorder; (2) Defendant Sheriff Dan Langston failed to provide him with adequate medical care because he knew about the court order, but failed to enforce it; and (3) Defendant Jailer Tommy Hustafer failed to protect him being beaten by his cell mate, and used excessive force to stop the fight. *See* docket entries #2 and #5.

The Court concludes, *for screening purposes only*, that Plaintiff has stated viable inadequate medical care, failure to protect, and excessive force claims against Defendants Hustafer, Johnston, and Langston. Thus, they will be served.

IT IS THEREFORE ORDERED THAT the Clerk is directed to prepare a summons for Defendants Hustafer, Johnston, and Langston, and the U.S. Marshal is directed to serve the summons, Complaint, Amended Complaints, and this Order on them without prepayment of fees and costs or security therefor.¹

¹ If any of the Defendants are no longer Greene County employees, the individual responding to service must file, with the unexecuted summons, a **sealed** statement providing the unserved Defendant's last known private mailing address.

Dated this 12th day of February, 2013.



UNITED STATES MAGISTRATE JUDGE