

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

JACOB THOMAS EARLS, ADC #114556

PLAINTIFF

V.

CASE NO. 3:13CV00200-DPM/BD

PARAGOULD POLICE DEPARTMENT, et al.

DEFENDANTS

ORDER

The Court ordered Mr. Earls to amend his complaint (docket entry #4), and he has now done so. (#13) Based on the allegations in his Amended Complaint, Mr. Earls has stated a deliberate indifference claim against Defendants Todd Stovall, Gerald McClung, and Heath McClung. Accordingly, service is proper for those Defendants. Service is not appropriate for the Paragould Police Department, Dan Stidham, Rick Mellow, or the Doe Defendants.

The Clerk of Court is directed to prepare summonses for Defendants Stovall, G. McClung, and H. McClung. The United States Marshal is directed to serve copies of the Complaint and the Amended Complaint, with any attachments (#2, #13), and a summons for each of these Defendants without requiring prepayment of fees and costs or security. Service for Defendant Stovall should be through the Paragould Police Department, 101 North 3 1/2 Street, Paragould, Arkansas 72450. Service for Defendants G. McClung and H. McClung should be through the Clay County Detention Center, 268 South 2nd Avenue, Piggott, Arkansas 72454.

If Mr. Earls wants to proceed against the Doe Defendants, he must identify those persons within 120 days so that they can be properly served. FED. R. CIV. P. 4(m). If those Defendants are not served within 120 days, the Court will recommend that Mr. Earls's claims against those Defendants be dismissed.

Mr. Earls has requested court-appointed counsel. That motion (#14) is DENIED, without prejudice. There is no constitutional or statutory right to appointed counsel in civil cases, and the claims in this case appear to be straightforward enough for Mr. Earls to handle without the help of a lawyer for now. *Phillips v. Jasper County Jail*, 437 F.3d 791, 794 (8th Cir. 2006). If the Court later determines that Mr. Earls, as well as the Court, would benefit from the assistance of counsel, the request will be reconsidered.

IT IS SO ORDERED this 2nd day of April, 2014.


UNITED STATES MAGISTRATE JUDGE