

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

RANDY WILLIAMS

PLAINTIFF

v.

3:14CV00127-JM-JJV

CRAIGHEAD COUNTY; *et al.*

DEFENDANTS

ORDER

Randy Williams (“Plaintiff”) filed this lawsuit *pro se* pursuant to 42 U.S.C. § 1983 (Doc. No. 1). Plaintiff alleges that Defendant Bobby Crawford, an inmate at the Craighead County Detention Center, attacked him (Doc. No. 1 at 4). In the ensuing altercation, Plaintiff alleges that he knocked Mr. Crawford out and, as a result, was thrown into the “detox” holding cell by detention center staff (*Id.*). He further alleges that he was only given aspirin for a jaw injury he suffered during the altercation, and that this was inadequate medical treatment (*Id.*). As defendants in this action, Plaintiff names only Craighead County and Mr. Crawford.

The Court begins by noting that the Complaint, as it currently stands, fails to state a cognizable claim against Craighead County pursuant to § 1983. A municipality may be held liable under § 1983 if an action pursuant to official municipal policy of some nature caused a constitutional tort. *Bernini v. City of St. Paul*, 665 F.3d 997, 1007 (8th Cir. 2012) (quoting *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658, 691 (1978)).¹ Here, Plaintiff does not allege that his constitutional rights were deprived by any custom, official or otherwise, of Craighead County. In the absence of such an allegation, his claims against the county fail to state a claim upon which relief can be granted.

¹The *Monell* decision also explains that a ‘custom’ may include policies and practices which, though not formally approved by the body’s official decision-making channels, are so permanent and well-settled as to constitute a custom or usage with the force of law. *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658, 691 (1978).

Plaintiff's Complaint also fails to state a claim upon which relief can be granted as to Defendant Crawford. Per Plaintiff's allegations, Mr. Crawford is an inmate at the Craighead County Detention Center. Accordingly, he is not a person acting under color of state law for the purposes of § 1983. Plaintiff's § 1983 claims against Mr. Crawford therefore fail.

Taking note of the foregoing reasons as to why his Complaint is deficient, Plaintiff may, if he chooses, submit to the Court, within thirty (30) days of the entry date of this Order, a superseding amended complaint which contains all of his claims against all defendants he is suing in a single document.

Plaintiff is cautioned that an amended complaint renders his original Complaint without legal effect. Only claims properly established in the amended complaint will be allowed to proceed. Therefore, Plaintiff's amended complaint should: **(1) name all parties he believes deprived him of his constitutional rights and whom he wishes to sue in this action; (2) provide specific facts against each named defendant in a direct and concise manner, including dates, times, and places if applicable; (3) indicate whether he is suing each defendant in their individual or official capacity, or in both capacities; (4) state how he was harmed; and (5) state whether he was incarcerated at the time as a pretrial detainee.** If Plaintiff declines to submit an amended complaint within the thirty days allotted, the Court may dismiss his current Complaint for failure to state a claim upon which relief can be granted.

IT IS, THEREFORE, ORDERED that:

1. The Clerk shall mail the 42 U.S.C. § 1983 complaint form to Plaintiff with this Order. If Plaintiff wishes to amend his Complaint, he may complete the new complaint form in its entirety in accordance with this Order, mark it as "Amended Complaint," and file it within thirty days of the date of this Order.

2. Plaintiff's Complaint, as it now stands, is deficient and may be dismissed after thirty days of the date of this Order.

3. Service is not appropriate at this time.

IT IS SO ORDERED this 21st day of May, 2014.



JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE