

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

ROBERT G. TRAMMEL,
ADC #651566

PLAINTIFF

v.

No. 3:15-cv-193 DPM-JTR

W. TOWNES, Treatment
Coordinator/Supervisor; D. JOHNSON,
Warden; and NORTHEAST ARKANSAS
COMMUNITY CORRECTIONS CENTER

DEFENDANTS

ORDER

1. Trammel has filed an amended complaint clarifying the allegations in his initial complaint. *No* 5. The Court directs the Clerk to file a copy of Trammel's initial complaint, *No* 2, as an exhibit to his amended complaint, *No* 5, so the two can be read together going forward.

2. The Court must screen Trammel's complaint as supplemented. 28 U.S.C. § 1915A. Trammel alleges that Townes is forcing him to participate in a therapy program that requires him to recognize a God that is not his own. Trammel thus pleads a plausible First Amendment claim against Townes.

3. Trammel's claims against former warden Johnson are dismissed without prejudice. There is no vicarious liability in § 1983 actions; and

Trammel hasn't pleaded facts suggesting Johnson's own actions violated the Constitution. *Ashcroft v. Iqbal*, 556 U.S. 662, 676 (2009); *Keeper v. King*, 130 F.3d 1309, 1314 (8th Cir. 1997).

4. All claims against the Northeast Arkansas Community Corrections Center are dismissed with prejudice because prisons are not separate legal entities subject to suit in a § 1983 action. *Howlett v. Rose*, 496 U.S. 356, 365 (1990); *Brown v. Missouri Department of Corrections*, 353 F.3d 1038, 1041 (8th Cir. 2004).

5. The Clerk of Court is directed to prepare and issue a summons for Defendant Townes. The U.S. Marshal is directed to serve the summons, complaint, amended complaint, and this Order on Townes without prepayment of fees and costs. If Townes is no longer employed at the Northeast Arkansas Community Corrections Center, the individual responding to service must file Townes's last known private mailing address under seal.

6. An *in forma pauperis* appeal from this Order would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.
D. P. Marshall Jr.
United States District Judge

31 August 2015