

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

JEFFERY L. CAYTON
ADC #111143

PLAINTIFF

V.

NO: 3:15CV00297 JLH/PSH

MIKE ALLEN *et al*

DEFENDANTS

INITIAL ORDER FOR *PRO SE* PRISONER-PLAINTIFFS

You have filed this federal civil rights lawsuit *pro se*, that is, without the help of a lawyer. There are rules and procedures that you must follow in order to proceed with your lawsuit, even though you are not a lawyer.

IT IS THEREFORE ORDERED THAT:

First: Follow All Court Rules. You must comply with the Federal Rules of Civil Procedure as well as Local Rules for the Eastern District of Arkansas. Local Rule 5.5(c)(2) provides that:

"It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a *pro se* plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding *pro se* shall be expected to be familiar with and follow the Federal Rules of Civil Procedure."

Second: Pay the Filing Fee. Every civil case filed by a prisoner – including this one – requires the plaintiff to pay a filing fee either at the beginning of the lawsuit or, if he cannot afford to pay the entire fee in a lump sum, to apply for leave to proceed *in forma pauperis* ("IFP"). You have filed an application to proceed IFP and submitted all necessary documents. Your IFP motion (docket entry 1) is therefore GRANTED. You will still pay the entire \$350.00 filing fee. Based on information you have provided, the Court will assess an initial partial filing fee of \$5.60. The

remainder of the filing fee will be withdrawn from your account in monthly installments until the filing fee is paid in full. Monthly withdrawals will be made until the \$350.00 is fully paid, even if the lawsuit is dismissed before trial.

Third: Provide Addresses for Service. All defendants must be served with the complaint and a summons within 120 days of the filing of a complaint. This includes "John/Jane Doe" defendants. Any defendant who is not served within 120 days can be dismissed, without prejudice, from the lawsuit. It is your responsibility to identify and serve defendants, including "Doe" defendants. Because you are proceeding IFP, the Court will order service of process on the defendants, but you are responsible for providing valid service addresses. You may send discovery requests, or use other means, to find valid service addresses for defendants.

Fourth: No Right to Appointed Counsel. This is a civil case. Unlike criminal cases, there is no right to have an appointed lawyer in a civil case. If your case proceeds to a jury trial, however, a lawyer may be appointed to assist you before trial.

Fifth: Do Not File Your Discovery Requests. Discovery requests, such as interrogatories and requests for documents, are not to be filed with the Court. Instead, discovery requests should be sent to counsel for the defendant (or directly to the defendant if he or she is not represented by a lawyer). No discovery should be sent to a defendant until after that defendant has been served with the complaint.

Sixth: Do Not Send Documents to Court Except in Two Situations. You may send documents or other evidence to the Court only if attached to a motion for summary judgment or in response to a motion for summary judgment; or if the court orders you to send documents or other evidence.

Seventh: Provide a Witness List. If your case is set for a hearing or trial, as your hearing or trial

date approaches, you will be asked to provide a witness list. After reviewing the witness list, the Court will make efforts to ensure the attendance of all appropriate witnesses.


IT IS FURTHER ORDERED THAT:

1. As plaintiff's present custodian, the Director of the Arkansas Department of Community Correction, or her designee, is directed to collect from plaintiff's institutional account an initial partial filing fee of \$5.60, and to forward that amount to the Clerk of this Court. Each time the amount in plaintiff's account exceeds \$10.00, the Director of the Arkansas Department of Community Correction must send the Clerk monthly installments in the amount of 20% of the preceding month's income credited to plaintiff's account until a total of \$350.00 has been paid. Payments must be labeled with the name and number assigned to this action.

2. The Clerk of the Court is directed to send a copy of this order to: (1) the Supervisor of the Northeast Arkansas Community Correction Center, Post Office Box 487, Osceola, AR 72370-0487; and (2) the Director of the Arkansas Department of Community Correction, 105 W. Capitol Avenue, Little Rock, AR 72201.

3. Liberally construing plaintiff's complaint, he has, for screening purposes, stated a claim for relief. The Clerk of the Court is directed to prepare summonses for defendants, and the United States Marshal is directed to serve a copy of the complaint (docket entry 2), this order, and summons, upon each, without prepayment of fees and costs or security therefor. Service should be attempted at the Crittenden County Detention Facility, 350 Afco Road, West Memphis, AR 72301.

DATED this 28th day of September, 2015.


UNITED STATES MAGISTRATE JUDGE