

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

ERIC SWINK  
ADC #161772

PLAINTIFF

v.

No. 3:15-cv-316-DPM

DOES, Deputies/Sheriff, Greene County  
Sheriff's Office; DAVID CARTER, Sheriff;  
and ETHAN McGINNIS, Deputy

DEFENDANTS

ORDER

1. The Court must screen Swink's amended complaint. *No 5*; 28 U.S.C. § 1915A. Swink claims a Greene County deputy made him do a controlled buy. Swink says none of the other deputies knew about it, though, so now he's "going to prison for drug possession[.]" *No 5 at 1*. It isn't clear whether Swink is describing a freestanding conviction or a parole revocation. But either way, this claim is *Heck*-barred. *Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994). A judgment in Swink's favor would necessarily call into question his state-court conviction or revocation. And Swink hasn't alleged that the conviction or revocation has been reversed, expunged, or invalidated. This claim is therefore dismissed without prejudice.

2. Swink also alleges that Sheriff David Carter and Deputy Ethan McGinnis told others that they could rob, beat, and otherwise harm Swink.

He further claims they unlawfully held him for eleven days on what should have been a seventy-two hour hold. Swink may proceed past screening on these claims. The Court directs the Clerk to prepare summonses for Carter and McGinnis. The United States Marshal shall serve copies of the summonses, complaint, amended complaint, and this Court's 5 November 2015 Order on Carter and McGinnis without prepayment of fees and costs or security. They should be served through the Greene County Detention Facility, 1809 North Rocking Chair Road, Paragould, Arkansas 72450.

3. Because Swink has identified the Doe Defendants in his amended complaint, the Court directs the Clerk to remove them from the docket.

So Ordered.

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

*14 December 2015*