

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

HOUSTON CLAY HAMILTON

PLAINTIFF

v.

3:16CV00328-DPM-JTK

LARRY MILLS, et al.

DEFENDANTS

ORDER

Plaintiff has submitted an Amended Complaint (Doc. No. 6) pursuant to the Court's November 16, 2016 Order (Doc. No. 4). He also submitted a Motion to Amend (Motion to Update), in which the Defendant previously identified as Bo Hickey is identified as David Boykin, and in which he asks to add Kim Muse as a Defendant (Doc. No. 7). Having reviewed the Amended Complaint and the Motion to Amend for screening purposes only,¹ it now appears to the Court that service is appropriate with respect to Plaintiff's excessive force claim against Defendant David Boykin (previously identified as Bo Hickey). Accordingly,

IT IS, THEREFORE, ORDERED that:

1. Service is appropriate for the Defendant David Boykin. The Clerk of the Court is directed to correct Defendant's name on the docket. The Clerk shall prepare summons for the Defendant David Boykin and the United States Marshal is hereby directed to serve a copy of the Amended Complaint and Motion to Amend (Doc. Nos. 6, 7) and summons on Defendant Boykin without prepayment of fees and costs or security therefore.

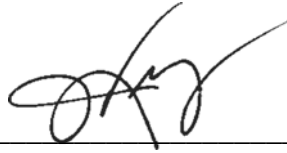
2. The Clerk is directed to identify docket entry #6 as an Amended Complaint.

3. Plaintiff's Motion to Amend (Doc. No. 7) is GRANTED in part, with respect to

¹The Prison Litigation Reform Act requires federal courts to screen prisoner complaints seeking relief against a governmental entity, officer, or employee. 28 U.S.C. Sect. 1915A(a).

correcting the name of Defendant Boykin, and DENIED as to Plaintiff's request to add Kim Muse as a Defendant (Doc. No. 7). Plaintiff's allegation that she gave him the wrong name to the lawsuit does not state a constitutional claim for relief.

IT IS SO ORDERED this 14th day of December, 2016.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE