

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

DAVID TYRON JONES

PLAINTIFF

V.

4:11CV00216 JLH/JTR

ELLIOTT JACKSON,
Staff, Arkansas State Hospital; and
JOHN DOE, West Memphis Public Defenders Office

DEFENDANTS

ORDER

Plaintiff, David Tyron Jones, has been acquitted of state criminal charges due to a mental defect and committed to the Arkansas State Hospital for an unknown duration of time. *See* docket entry #1. On March 7, 2011, he commenced this *pro se* § 1983 action alleging that Defendants violated his constitutional rights. *Id.*

It is well settled that individuals, such as Plaintiff, who have been acquitted of criminal charges due to a mental defect and committed to a state hospital are *not* “prisoners,” as defined by the Prison Litigation Reform Act. *See Kolocotronis v. Morgan*, 247 F.3d 726, 728 (8th Cir. 2001). Accordingly, this “555” case should be reclassified as a “440” action, for internal housekeeping purposes only.

IT IS THEREFORE ORDERED THAT THE Clerk is directed to reclassify this case as a “440” action.

Dated this 17th day of March, 2011.


UNITED STATES MAGISTRATE JUDGE