

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

**EUGENE SPEARS,
ADC #601695**

PLAINTIFF

v.

4:11-cv-00299-BSM-JTK

ANGELA BROWN, et al.

DEFENDANTS

ORDER

Eugene Spears moves for reconsideration of the order and judgment dismissing his case without prejudice and to appeal *in forma pauperis*. [Doc. Nos. 10, 11].

Spears is a state inmate incarcerated at the East Arkansas Regional Unit of the Arkansas Department of Correction (ADC). He filed this action against defendants, alleging violations of his constitutional rights while he was incarcerated at the Ashley County Detention Center in October 2010. Spears's motion to proceed *in forma pauperis* was granted on April 14, 2011, and he was directed to file an amended complaint within thirty days because his original complaint failed to state a claim for relief. Spears was cautioned that failure to amend his complaint could result in the dismissal of his action pursuant to Local Rule 5.5(c)(2).

When Spears failed to file an amended complaint within the thirty-day period, his complaint was dismissed without prejudice on May 23, 2011. [Doc. No. 7]. In his motion for reconsideration, Spears states he did not file an amended complaint because he decided not to pursue his claims against defendants Adams and Hobbs and decided to rely on the allegations against the remaining defendants in his original complaint. Spears also states he

filed a “response” on May 23, 2011, informing the Court of his decision not to file an Amended Complaint. [Doc. No. 6].

Spears’s motion to reconsider [Doc. No. 10] is GRANTED, and the case is be reopened with respect to his allegations against defendants Angela Brown, Alice Woods, and David Johnson. Defendants Christi Adams and Ray Hobbs remain dismissed from his complaint, pursuant to the April 14, 2011, order. Spears’s motion for leave to appeal *informa pauperis* [Doc. No. 11] is DENIED as moot.

The Clerk is directed to prepare summons for the defendants, and the United States Marshal is directed to serve a copy of the complaint [Doc. No. 2] and summons on the Angela Brown, Alice Wood, and David Johnson, without prepayment of fees and costs or security therefore.

IT IS SO ORDERED this 2nd day of August 2011.


UNITED STATES DISTRICT JUDGE