

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
LITTLE ROCK DIVISION**

WALLACE ALLEN

PETITIONER

4:11CV00684 SWW/HDY

GARY WAYNE BURNETT  
Sheriff, Prairie County, Arkansas

RESPONDENT

**ORDER**

Petitioner has filed a petition for writ of *habeas corpus*, and paid the \$5.00 filing fee. Although petitioner named Judge James Rhodes, along with Sheriff Gary Wayne Burnett, as the respondents, the correct respondent should be only Burnett, the person having custody of the petitioner. The Clerk is directed to change the style of the case to indicate Burnett as the sole respondent. The Clerk is further directed to serve a copy of the petition, and this order, on the respondent by regular mail.<sup>1</sup>

The respondent will file an answer, motion, or other response, to the petition, in conformity with Rule 5 of the Rules Governing Section 2254 cases in the United States District Courts, within 21 days after service of this petition, exclusive of the day of service.

IT IS SO ORDERED this 19 day of September, 2011.

  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup>Although he did not name deputy Graham as a respondent, petitioner has alleged facts to suggest he believes that Graham used excessive force against him. However, any excessive force claims must be made in a suit brought pursuant to 42 U.S.C. § 1983, which petitioner may file as a separate action, accompanied by the \$350.00 filing fee, or an application for leave to proceed *in foram pauperis*.