

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

LEON NESMITH,
ADC #655326

PLAINTIFF

v.

4:11-cv-00698-JMM-JTK

CPL. BONNER, et al.

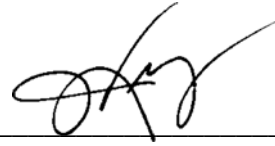
DEFENDANTS

ORDER

By Order dated September 30, 2011 (Doc. No. 3), this Court granted Plaintiff’s Motion to Proceed in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983. However, finding Plaintiff’s Complaint too vague and conclusory to enable the Court to determine whether it is frivolous, fails to state a claim, or states a legitimate claim, the Court directed him to submit an Amended Complaint within thirty days. The Court also cautioned Plaintiff that an Amended Complaint would render the Original Complaint without legal effect, and would take the place of his Original Complaint. Plaintiff has now submitted an Amended Complaint (Doc. No. 5). Having reviewed the Amended Complaint, it now appears to the Court that service is appropriate for Defendants Bonner, Fuerentez, and Winters on his claims of deliberate indifference to his serious medical needs and of negligence under state law. Accordingly,

IT IS, THEREFORE, ORDERED that service is appropriate for the Defendants Bonner, Fuerentez, and Winters. The Clerk of the Court shall prepare summons for the Defendants and the United States Marshal is hereby directed to serve a copy of the Amended Complaint (Doc. No. 5) and summons on these Defendants without prepayment of fees and costs or security therefore.

IT IS SO ORDERED this 4th day of November, 2011.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE