

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

EDWARD LEE CARTER,  
ADC #108307

PLAINTIFF

v.

4:11-cv-00864-BSM-JTK

TONY MCHAN, et al.

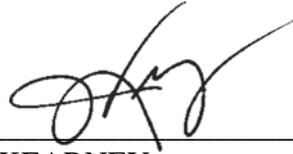
DEFENDANTS

**ORDER**

By Order dated December 16, 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 Defendant McHan on Plaintiff's First Amendment claim of denial of access to the courts. Accordingly,

IT IS, THEREFORE, ORDERED that service is appropriate for the Defendant Tony McHan. The Clerk of the Court shall prepare summons for the Defendant and the United States Marshal is hereby directed to serve a copy of the Amended Complaint (Doc. No. 5) and summons on Defendant in care of the Arkansas Board of Correction and Community Punishment Compliance Division, P.O. Box 20550, Pine Bluff, AR 71612-0550, without prepayment of fees and costs or security therefore.

IT IS SO ORDERED this 23<sup>rd</sup> day of January, 2012.

A handwritten signature in black ink, appearing to read 'JK', is written above a horizontal line.

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JEROME T. KEARNEY  
UNITED STATES MAGISTRATE JUDGE