

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

**GREGORY HOLT,
ADC #129616**

PLAINTIFF

v.

No. 4:12-cv-510-DPM

**MICHELLE HOWARD,
Public Information Officer,
Little Rock Police Department,
in her official capacity only**

DEFENDANT

ORDER

In its prior Order, *Document No. 3*, the Court directed the United States Marshal to serve a summons and Holt's complaint "on her," referring to the Defendant, Ms. Howard. The United States Marshal accordingly served the papers on the individual Ms. Michelle Howard at the Little Rock Police Department, located at 700 West Markham Street. As Howard correctly points out in her motion to dismiss, *Document No. 6*, service should have been made on the Little Rock City Manager because the claims are made against Howard in her official capacity. FED. R. CIV. P. 4(j). But the time to effect

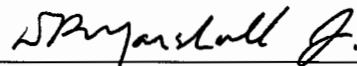
proper service has not yet elapsed, and the Court can still correct its error.

This is not Holt's fault.

On its own motion, the Court directs the Clerk to prepare a summons for Howard, in her official capacity, and the United States Marshal must serve the summons, complaint, and this Order on the Little Rock City Manager without prepayment of fees and costs or security.

Howard's motion to dismiss, *Document No. 6*, is denied without prejudice; and Holt's motion for more time to reply, *Document No. 8*, is denied as moot.

So Ordered.



D.P. Marshall Jr.
United States District Judge

27 September 2012