

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

JEFFERY JACKSON,
ADC #138736

PLAINTIFF

v.

No. 4:15-cv-302-DPM

JOHN FELT, Chairman; RICHARD BROWN,
Vice Chairman; DAWNE B. VANDIVE, Secretary;
DENNIS YOUNG, Commissioner; ABRAHAM
CARPENTER, JR., Commissioner; RICHARD MAYS,
Commissioner; and JIMMY WALLACE, Commissioner,
all in their official capacities

DEFENDANTS

ORDER

1. Jackson's motion to alter or amend the Judgment, *No. 8*, is granted. Because Jackson seeks only equitable relief, his suit isn't barred by the board members' immunity. *Adams v. Agniel*, 405 F.3d 643, 644–45 (8th Cir. 2005). And though Arkansas's parole statutes don't create a protectable liberty interest, the Eighth Circuit has noted there's a "question whether a prisoner has any other basis for a constitutional claim to correct information in a parole file[.]" *Adams*, 405 F.3d at 645. In light of this open question, the Court concludes that dismissal at the screening stage was premature. The Court therefore vacates the Judgment, *No. 7*, and paragraph 2 of its 31 July 2015 Order, *No. 6*, and directs the Clerk to reinstate all Defendants.

2. Given the timing of Jackson's last two parole hearings, *No 2 at 11-12*, the Court needs know whether Jackson is still incarcerated before ordering service. If he isn't, then his suit is moot. Jackson must therefore file a notice confirming his current address and his intent to proceed with this case by 18 December 2015. If he doesn't, his complaint will be dismissed without prejudice. LOCAL RULE 5.5(c)(2).

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

20 November 2015