

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

JOHNNY DAVIS

PLAINTIFF

V.

4:17CV00164 SWW/JTR

LAKE VILLAGE CITY JAIL, et al.

DEFENDANTS

**ORDER**

The Court has reviewed the Recommendation submitted by United States Magistrate Judge J. Thomas Ray and the filed objections. After carefully considering these documents and making a *de novo* review of the record in this case, the Recommendation is approved and adopted in part. IT IS THEREFORE ORDERED that:

1. Davis's request for immediate release is dismissed without prejudice.
2. Davis's request for monetary damages may proceed.
3. The Lake Village City Jail and the Ashley County Detention Center are hereby DISMISSED as improper Defendants.<sup>1</sup>
4. Service is appropriate for the remaining defendants. The Clerk of the Court shall prepare summons for these defendants, and the United States Marshal is

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<sup>1</sup> It is well settled that a jail is not a legal entity amenable to suit in a 1983 action. *See Owens v. Scott Cnty. Jail*, 328 F.3d 1026, 1027 (8th Cir. 2003); *Williams v. Pulaski Cnty. Det. Facility*, Case No. 07-3851, 2008 WL 2079104 (8th Cir. May 19, 2008) (unpublished opinion); *De La Garza v. Kandiyohi Cnty. Jail*, Case No. 01-1966, 2001 WL 987542 (8th Cir. Aug. 30, 2001) (unpublished opinion).

directed to serve a copy of the complaint and summons on defendants without prepayment of fees and costs.

5. Plaintiff's motions to extend time and to appoint counsel [ECF No. 10] are referred to Judge Ray for decision.

6. It is CERTIFIED, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith.

Dated this 10<sup>th</sup> day of August, 2017.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE