

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

JEREMY DEAN LAYMANCE

PLAINTIFF

v.

No. 4:17-cv-303-DPM

RICKY SHOARD, Sheriff, White County Sheriff Office; PAUL HOFSTEAD, Deputy, White County Sheriff Office; RICKY SMITH, Administrator, Department of Human Services; FELICIA HICKERSON, Case Worker, Department of Family Protective Services; MONICA COLE, Supervisor, Department of Family Protective Services; RONNIE FOSTER, Captain, Anderson County Sheriff Office; GARY TAYLOR, Sheriff, Anderson County Sheriff Office; SHARON VAN COMPERNOLLE, Great Grandparent of Child; JOHN VAN COMPERNOLLE, Great Grandparent of Child; CASEY WALKER, Agent, Department of Human Services; MATTHEW HESTER, Anderson County Sheriff's Office; WHITE COUNTY, ARKANSAS; and ANDERSON COUNTY, TEXAS

DEFENDANTS

ORDER

1. Motion to proceed *in forma pauperis*, No 25, granted. Laymance can't afford to pay the filing fee.

2. The Court granted Laymance's motion to reopen this case. No 22. Now the Court must screen Laymance's complaint, as amended. No 2 & No 23; 28 U.S.C. § 1915(e)(2).

3. Laymance's request to dismiss defendants Monica Cole and Ricky Smith, *No 23 at 1*, is granted. His claims against them are dismissed without prejudice. FED. R. CIV. P. 41(a)(2).

4. Laymance filed this lawsuit under § 1983. It arises from a custody dispute between Laymance, an Arkansawyer, and his child's great-grandparents Sharon and John Van Compernelle, who are Texans. Laymance was arrested for allegedly interfering with the child's custody.

5. Felicia Hickerson, Ronnie Foster, Gary Taylor, and Matthew Hester are all Texas citizens, too. *No 2 at 1-2 & No 23 at 2-3*. Laymance hasn't pleaded facts supporting personal jurisdiction here over them. They were involved only in events in Texas. His claims against them will therefore be dismissed without prejudice. *First National Bank of Lewisville, Arkansas v. First National Bank of Clinton, Kentucky*, 258 F.3d 727, 729 (8th Cir. 2001); *see also Dossett v. First State Bank*, 399 F.3d 940, 951 (8th Cir. 2005).

6. Sharon and John Van Compernelle are private citizens; and Laymance's conclusory allegations that they conspired with state actors aren't sufficient to state a claim under § 1983 or § 1985. *No 2 at 3 & No 23 at 3*; *Dossett*, 399 F.3d at 951; *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). His federal claims against them will therefore be dismissed without prejudice. While there may be personal jurisdiction or preclusion defenses, Laymance's complaint provides enough details to state

plausible claims for malicious prosecution and abuse of process against them. *McMullen v. McHughes Law Firm*, 2015 Ark. 15, at 15-16, 454 S.W. 3d 200, 209-10 (2015); *South Arkansas Petroleum Company v. Schiesser*, 343 Ark. 492, 501-02, 36 S.W.3d 317, 323 (2001). The Court directs the Clerk to prepare summonses for Sharon Von Compernelle and John Von Compernelle. The United States Marshal must serve the complaint, No 23, summons, and this Order on each of them without prepayment of fees and costs or security.

7. Service is also appropriate for Laymance's unlawful arrest and detention claims against Ricky Shourd and Paul Hofstead, and for his due process claim against Casey Walker. The Court therefore directs the Clerk to prepare summonses for Shourd, Hofstead, and Walker. The United States Marshal must serve the complaint, No 23, summons, and this Order on each of them without prepayment of fees and costs or security. Defendants Shourd and Hofstead should be served through the White County Sheriff's Office, 1600 East Booth Rd. Ste. 100, Searcy, Arkansas 72143. Defendant Walker should be served through the Department of Human Services, 608 Rodgers Drive, Searcy, Arkansas 72143.

8. The Court refers this case to Magistrate Judge Ray for further proceedings, including a recommendation on any dispositive motions.

So Ordered.

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

30 January 2019