

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

**MALIK A. WALLACE
ADC #180775**

PLAINTIFF

V.

NO. 4:24-cv-00795-KGB-ERE

JIMMY COLEMAN, *et al.*

DEFENDANTS

ORDER

Pro se plaintiff Malik A. Wallace, an Arkansas Division of Correction inmate, filed this lawsuit under 42 U.S.C. § 1983. *Docs. 2, 7.* On October 24, 2024, Mr. Wallace filed an amended complaint in which he alleges that: (1) on July 16, 2024, after Corporal Sutton allowed inmate Z. Hawkins to enter his barracks, inmate Hawkins attacked him with a padlock, then stabbed him six times with a prison blade; and (2) following the incident, Nurse Kimberly Chambers/Carter failed to provide him adequate medical treatment. In his original complaint, Mr. Wallace named Chief of Security Jimmy Coleman, Corporal Xavier Sutton, Warden Gary Musselwhite, and Deputy Warden Robert Pierce as Defendants. However, in his amended complaint, Mr. Wallace names only Corporal Sutton and Nurse Chambers/Carter as Defendants. As a result, Mr. Wallace has abandoned his claims against Chief of Security Jimmy Coleman, Warden Gary Musselwhite, and Deputy Warden Robert Pierce. *Doc. 6 at 3; In re Atlas Lines, Inc.*, 209 F.3d 1064, 1067 (8th

Cir. 2000) (an amended complaint supersedes an original complaint and renders the original complaint without legal effect).

For screening purposes, Mr. Wallace has stated: (1) a failure to protect claim against Defendant Sutton; and (2) a medical deliberate indifference claim against Defendant Chambers/Carter.¹ Service for those claims is now proper.

IT IS THEREFORE ORDERED THAT:

1. The Clerk of Court is directed to prepare a summons for Xavier Sutton.
2. The United States Marshal is directed to serve Defendant with a summons and a copy of the complaint and the amended complaint (with any attachments) (*Docs. 2, 7*), without requiring prepayment of fees and costs or security. Service for Defendant Sutton should be attempted through the ADC Compliance Division, P.O. Box 20550, Pine Bluff, Arkansas 71612.
3. The Court will issue service for Defendant Chambers/Carter by separate Order.

¹ Screening is mandated by the Prison Litigation Reform Act, which requires federal courts to screen prisoner complaints seeking relief against a governmental entity, officer, or employee. 28 U.S.C. § 1915A(a). The Court must dismiss a complaint or a portion thereof if the prisoner has raised claims that: (a) are legally frivolous or malicious; (b) fail to state a claim upon which relief may be granted; or (c) seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b). When making this determination, the Court must accept the truth of the factual allegations contained in the complaint, and it may consider the documents attached to the complaint. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Reynolds v. Dormire*, 636 F.3d 976, 979 (8th Cir. 2011).

4. The Clerk is instructed to terminate Chief of Security Jimmy Coleman, Warden Gary Musselwhite, and Deputy Warden Robert Pierce as party Defendants.

SO ORDERED 28 October 2024.


UNITED STATES MAGISTRATE JUDGE