

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

HENRY MAXWELL/RASULALLAH,
ADC #80266

PLAINTIFF

v.

5:09CV00228HLJ

RAY HOBBS, et al.

DEFENDANTS

ORDER

By Order dated August 26, 2009 (DE #3), this Court granted plaintiff's application to proceed in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983. However, finding plaintiff's complaint too vague and conclusory to enable the Court to determine whether it is frivolous, fails to state a claim, or states a legitimate claim, the Court directed plaintiff to submit an amended complaint within thirty days. Plaintiff has now submitted an amended complaint (DE #5). Having reviewed the original and amended complaints, and construing them together, it now appears to the Court that service is appropriate.

With respect to plaintiff's complaints, the Court notes that plaintiff has identified some defendants as "Does, Publications Review Committee, Randall L. Williams Unit and Arkansas Department of Correction." Since the identity of these defendants is not known, the Clerk can not issue summons, and the Marshal is unable to serve an unknown person. After the complaint is filed, plaintiff will be allowed to engage in limited discovery consistent with the Federal Rules of Civil Procedure, if necessary, to try to determine the identity of the Does. Once plaintiff is able to identify defendants by name and address, the Court should be notified so that service can be ordered. Accordingly,

IT IS, THEREFORE, ORDERED that service is appropriate for the defendants Ray Hobbs and Crystal Harrison. The Clerk of the Court shall prepare summons for the defendants and the United States Marshal is hereby directed to serve a copy of the original (DE #2) and amended complaints (DE #5) and

summons on defendants in care of the Arkansas Board of Correction and Community Punishment Compliance Division, P.O. Box 20550, Pine Bluff, AR 71612-0550, without prepayment of fees and costs or security therefore.

IT IS SO ORDERED this 18th day of September, 2009.

Henry L. Jones, Jr.

United States Magistrate Judge