

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

DALE BRYANT,
ADC #99472

PLAINTIFF

v.

5:12-cv-00226-SWW-JTK

RAY HOBBS, et al.

DEFENDANTS

ORDER

By Order dated July 2, 2012 (Doc. No. 4), this Court granted Plaintiff's Motion 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 him to submit an Amended Complaint within thirty days. The Court also cautioned Plaintiff that an Amended Complaint would render the Original Complaint without legal effect, and would take the place of his Original Complaint. Plaintiff has now submitted an Amended Complaint (Doc. No. 5).¹ Having reviewed the Amended Complaint, it now appears to the Court that service is appropriate for Defendants Obi, Clyde, Simmons, Anderson, Summerville, Clower, Corizon Medical Services, Inc., and Stell.

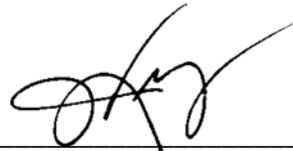
Plaintiff has identified one Defendant as "Doe, Unknown Nurse." Since the identity of this Defendant is not known, the Clerk can not issue summons, and the Marshal is unable to serve an unknown person. After the complaint is filed, Plaintiff will be allowed to engage in limited discovery consistent with the Federal Rules of Civil Procedure, if necessary, to try to determine the identity of the Doe Nurse. Once plaintiff is able to identify Defendant by name and address, the

¹In his Amended Complaint, Plaintiff incorporates by reference the allegations of his Original Complaint against Defendant Obi (Doc. No. 5, p. 11). Therefore, the Court will direct that both the Original and Amended Complaints be served on the parties.

Court should be notified so that service can be ordered. Accordingly,

IT IS, THEREFORE, ORDERED that service is appropriate for the Defendants Obi, Clyde, Simmons, Anderson, Summerville, Clower, Corizon Medical Services, Inc., and Stell. 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 and Amended Complaints (Doc. Nos. 2, 5) and summons on these Defendants in care of Humphries and Lewis Law Firm, P.O. Box 20670, White Hall, AR 71612, without prepayment of fees and costs or security therefore.

IT IS SO ORDERED this 20th day of July, 2012.



JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE