

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

**WILLIAM COLTEN,
ADC #147673**

PLAINTIFF

v.

5:12-cv-00263-KGB-JTK

RAY HOBBS, et al.

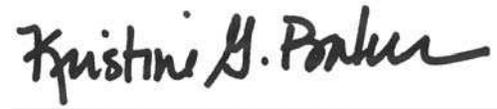
DEFENDANTS

ORDER

Summons was returned, executed, with respect to defendant J.D. Smith on October 22, 2012 (Dkt. No. 21). Summons was returned, unexecuted, with respect to defendant J. Smith on October 22, 2012 (Dkt. No. 24). A memo included with the returns for these defendants contains the notation “Jackie” beside the name J.D. Smith and states that no other individual with the name J. Smith is employed by the Arkansas Department of Correction. On November 7, 2012, defendant Jackie Smith filed an answer to plaintiff’s complaint (Dkt. No. 32). The style of the case was changed to reflect the correct names of the defendants (Dkt. No. 34).

By Order dated December 13, 2012, this Court dismissed defendant J. Smith from this case pursuant to Rule 4(m) of the Federal Rules of Civil Procedure due to plaintiff’s failure to serve (Dkt. No. 40). Following the entry of that Order, summons was returned, executed, with respect to defendant Jackie Smith (Dkt. No. 43), and on January 2, 2013, defendant Jackie Smith filed an answer to plaintiff’s complaint (Dkt. No. 45). The Court considers Jackie Smith and J. Smith to be the same defendant until informed otherwise. Accordingly, this Court’s December 13, 2012 Order dismissing defendant J. Smith is hereby vacated, and defendant J. Smith is reinstated as a defendant to this action.

SO ORDERED this 28th day of February, 2013.

A handwritten signature in black ink, reading "Kristine G. Baker". The signature is written in a cursive style with a prominent initial "K".

Kristine G. Baker
United States District Judge