Walthall v. Bohannon et al Doc. 5

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

JAMES THOMAS WALTHALL,
ADC #117156 **PLAINTIFF**

v. **No. 5:13-cv-281 DPM-JTR**

BOHANNON, Clerk/Secretary, Dub Brassell Detention Center; ADAMS, Captain at Detention Center, Dub Brassell Detention Center; WHITE, Corporal - Detention Officer, Dub Brassell Detention Center; HOFFMAN, Officer, Detention Officer/Jailer, Dub Brassell Detention Center; and DUB BRASSELL DETENTION CENTER **DEFENDANTS**

ORDER

1. Walthall has filed this *pro se* § 1983 action alleging that the defendants violated his constitutional rights while he was in the Brassell Detention Center. *№. 2 & 4.* The Court must screen Walthall's complaint and amended complaint. 28 U.S.C. § 1915A.

2. Walthall has stated plausible claims that defendants Bohannon, White, and Hoffman violated his constitutional rights when they failed to provide him with adequate personal hygiene supplies and forced him to sleep on the floor without any bedding in violation of a doctor's order that he

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receive two mattresses. Similarly, Walthall has stated a plausible claim that defendant Adams learned of the alleged constitutional violations during the grievance process, but failed to take corrective action. Defendants Bohannon, White, Hoffman, and Adams will therefore be served.

3. The Court directs the Clerk to prepare a summons for defendants Bohannon, White, Hoffman, and Adams. The Court directs the U.S. Marshal to serve the summons, complaint, amended complaint, and this Order on them without prepayment of fees and costs or security therefor. If any of the defendants are no longer Brassell Detention Center employees, the individual responding to service must file the unserved defendant's last known private mailing address under seal.

4. Walthall's claims against defendant Brassell Detention Center are dismissed with prejudice because jails and detention centers are not legal entities amenable to suit in a § 1983 action. *Owens v. Scott County Jail*, 328 F.3d 1026, 1027 (8th Cir. 2003).

* * *

Walthall may proceed with his conditions-of-confinement claim against Bohannon, White, and Hoffman, and his failure-to-supervise claim against

Adams. Service is ordered on them. Walthall's claims against defendant Brassell Detention Center are dismissed with prejudice. An *in forma pauperis* appeal from this Order would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.
United States District Judge

19 September 2013