

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

**ZACHARY WILLIS,
ADC #143271**

PLAINTIFF

v.

Case No. 5:13-cv-00290-KGB-JTR

**TASHA L. GRIFFIN,
Corporal, Cummins Unit, ADC, et al.**

DEFENDANTS

OPINION AND ORDER

In compliance with this Court's October 24, 2013, Opinion and Order (Dkt. No. 5), Plaintiff Zachary Willis has filed an amended complaint clarifying his failure to protect claim against the defendants (Dkt. No. 6). Mr. Willis now alleges that, prior to the December 27, 2012, attack, he told defendant Corey Rayner that he "would like to be moved to another cell" because he and his cell mate had an "altercation" (*Id.* at 1). Mr. Rayner allegedly said he would "take care of it" but failed to do so (*Id.*). The Court concludes, for screening purposes only, that Mr. Willis has now pled a plausible failure to protect claim against Mr. Rayner. *See* 28 U.S.C. § 1915A (requiring courts to screen prisoner complaints). Thus, the Clerk of the Court is directed to prepare a summons for Mr. Rayner. The U.S. Marshal is directed to serve the summons, amended complaint, Dkt. No. 5, and this Opinion and Order on Mr. Rayner, through the ADC Compliance Office, without prepayment of fees and costs, or security therefore.

Although he has been given the opportunity to do so, Mr. Willis has not pled any facts suggesting that defendants Tasha L. Griffin, Charles Walker, Donald W. Tate, Gaylon Lay, Larry May, or Ray Hobbs were subjectively aware of the previous altercation between Mr. Willis and his cell mate. Similarly, Mr. Willis does not allege that any of those defendants were aware of his cell mate's prior history of violence or any other facts giving rise to a substantial risk that

he might attack Mr. Willis. Thus, for the reasons explained in the October 24, 2013 Opinion and Order, Mr. Willis's claims against defendants Ms. Griffin, Mr. Walker, Mr. Tate, Mr. Lay, Mr. May, and Mr. Hobbs are dismissed without prejudice. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Opinion and Order would not be taken in good faith.

SO ORDERED this 4th day of February, 2014.



Kristine G. Baker
United States District Judge