

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

DENNIS STIVERS

PLAINTIFF

V.

5:14CV00034 DPM/JTR

DR. SONJA PEPPERS-DAVIS, Tucker Unit,
Arkansas Department of Correction, et al.

DEFENDANTS

ORDER

There are two non-dispositive matters pending in this *pro se* § 1983 action, which the Court will address separately.

I. Plaintiff's Motions for Leave to File a Fourth Amended Complaint

The Court has previously entered Orders allowing Plaintiff to proceed with his claims that: (1) Defendant Peppers-Davis committed medical malpractice and violated Plaintiff's constitutional rights by failing to provide proper medical care for his back; (2) Defendant Kelley violated Plaintiff's constitutional rights by failing to take corrective action in response to his medical grievances; and (3) Defendants Cameron and Chism subjected him to cruel and unusual punishment by forcing him to stand and participate in the Therapeutic Community Program, even though doing so caused him to suffer unbearable back pain. *Docs. 5, 14 & 40.*

Plaintiff has recently filed two Motions seeking permission to file a Fourth

Amended Complaint adding claims that: (1) Dr. Robert A. Floss committed medical malpractice and subjected him to cruel and unusual punishment by forcing him to stand and participate in the Therapeutic Community Program, even though that doing so caused him to suffer unbearable back pain; and (2) Corrective Care Solutions, Inc. and Corizon, Inc., had an unconstitutional and negligent policy of requiring its employees to "place costs of treatment before the health and medical care of the inmates." *Docs. 37 & 38 at 3.*

The Court concludes, *for screening purposes only*, that Plaintiff has stated viable inadequate medical care and medical malpractice claims against Floss, Corrective Care Solutions, Inc., and Corizon, Inc. *See* 28 U.S.C. § 1915A. Thus, Plaintiff's Motions for Leave to File a Fourth Amended Complaint are granted, and the Court will order service on the three new Defendants.

II. Release from Custody

Plaintiff has recently filed a Statement explaining that he has been released from custody and is currently residing at a private address in Jacksonville, Arkansas *Doc. 39*. In light of his recent release, it is unclear whether Plaintiff is still entitled to proceed *in forma pauperis*.¹ Accordingly, he will have thirty days to file an Amended Application to Proceed *In Forma Pauperis*.

¹ The Court's records demonstrate that Plaintiff currently owes all of the \$350 filing fee.

III. Conclusion

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Motions for Leave to File a Fourth Amended Complaint (*Docs. 37 & 38*) are GRANTED, and the Clerk is directed to file a copy of those Motions as "Plaintiff's Fourth Amended Complaint."

2. The Clerk is directed to prepare a summons for Defendants Floss, Corrective Care Solutions, Inc., and Corizon, Inc. The U.S. Marshal is directed to serve the Complaint, Amended Complaint, Second Amended Complaint, Third Amended Complaint, Fourth Amended Complaint, and this Order on them through the Humphries and Odum law firm without prepayment of fees and costs or security therefor.²

3. The Clerk of the Court is directed to mail Plaintiff a freeworld Application to Proceed *In Forma Pauperis*.

4. Plaintiff must file, **within thirty days of the entry of this Order**, a freeworld Application to Proceed *In Forma Pauperis*.

5. Plaintiff is reminded that if he fails to timely and properly do so, this case will be dismissed, without prejudice, pursuant to Local Rule 5.5(c)(2).

² If Defendant Floss is no longer a Corizon, Inc. employee, the individual responding to service must file a **sealed** statement containing his known private mailing address.

Dated this 18th day of August, 2014.



UNITED STATES MAGISTRATE JUDGE