

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

ERWIN RUTH

PLAINTIFF

v.

No. 5:16CV00037-JLH-JJV

STAN MCGEE, Sheriff,
Dallas County Sheriff's Office, *et al.*

DEFENDANTS

ORDER

Erwin Ruth brings this action against Stan McGee, the Dallas County Sheriff, and Brian Shaddock, the administrator for the Dallas County Jail, a doctor named Elgin, and other individuals who worked at the Dallas County Jail, alleging that while he was detained there these defendants were deliberately indifferent to his serious medical needs. United States Magistrate Judge Joe J. Volpe found that the original complaint failed to state a factual basis for how any of the named defendants were deliberately indifferent to his medical needs, so Judge Volpe ordered Ruth to file an amended complaint. The amended complaint again failed to specify how each individual defendant was deliberately indifferent to Ruth's serious medical needs, so Judge Volpe issued proposed findings and recommendations in which he recommended that the Court dismiss the complaint without prejudice for failure to state a claim upon which relief may be granted.

Ruth has objected and in his objection specifies how McGee, Shaddock, Laron Williams, Tate, and Mike Griffin were deliberately indifferent to his serious medical needs. According to Ruth's objection, he informed these defendants by face-to-face contact that he needed certain medications for which he had prescriptions, but they refused to provide those medications. He mentions Dr. Elgin, but only to report that Dr. Elgin ordered the medications that he needed and re-ordered them when he ran out. Because Ruth has now specified the manner in which each named individual defendant, other than Dr. Elgin, was deliberately indifferent to his serious medical needs,

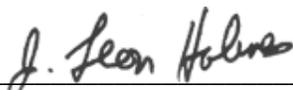
the Court declines to adopt the proposed findings and recommended disposition.

Ruth still has not explained how Dr. Elgin was deliberately indifferent to his serious medical needs, so his claims against Dr. Elgin are dismissed without prejudice. Ruth's claims against the Dallas County Jail are dismissed without prejudice because county jails are not legal entities amenable to suit. *Owens v. Scott County Jail*, 328 F.3d 1026, 1027 (8th Cir. 2003). The complaint also is dismissed without prejudice as to the unnamed employees. If, during discovery, Ruth discovers the names of these persons and can state specifically how they were indifferent to his serious medical needs, he may seek leave to amend.

The Court also will treat Ruth's objections as an amendment to the complaint. The Court directs the Clerk to amend the docket to reflect that Ruth's objection to the report and recommendation (Document #6) will be treated as an amendment to his complaint. For screening purposes only, the Court concludes that Ruth's complaint, as amended in his objection to Judge Volpe's report and recommendation, states a claim against Stan McGee, Brian Shaddock, Laron Williams, Tate, and Mike Griffin.

The Court against refers this action to Judge Volpe for disposition or recommended disposition, as appropriate, for all pretrial matters.

IT IS SO ORDERED this 22nd day of March, 2016.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE