

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

DARRELL WAYNE LAPATCH

PLAINTIFF

v.

Civil No. 10-2003

BRANDON REYNOLDS, Detention Officer,
Johnson County Detention Center;
RICK PERTESON, Jail Administrator, Johnson
County Detention Center;
JERRY DORTY, Sheriff, Johnson County
Detention Center

DEFENDANTS

ORDER

Now before the Court is the Motion for Leave to Proceed *in forma pauperis* (IFP) by Darrell Wayne LaPatch. The application to proceed IFP is granted. Pursuant to the provisions of the Prison Litigation Reform Act the clerk is directed to collect the \$350.00 filing fee from the plaintiff.

In the Complaint (Doc. 2), John Michael Overbey is listed as a co-Plaintiff. However, there is no IFP application made by Mr. Overbey, no filing fee paid by Mr. Overbey, and the facts of the Complaint relate solely to Mr. LaPatch. Accordingly, the Clerk of Court is hereby directed to remove Mr. Overbey as a Plaintiff at this time.

Additionally, upon review of the Complaint (Doc. 2) it appears the Complaint should be served upon the Defendants.

The Court, having heretofore entered an order allowing the plaintiff to proceed *in forma pauperis* and directing the clerk to file the Complaint, hereby directs the United States Marshal to serve the defendants Brandon Reynolds, Rick Perteson, and Jerry Dorty. Defendants may be

served at the Johnson County Sheriff's Department and County Jail, 301 Porter Industrial Road, Clarksville, Arkansas, 72830.

Defendants are to be served without prepayment of fees and costs or security therefor. The defendants are ordered to answer within twenty-one (21) days from the date of service.

IT IS SO ORDERED this 7th day of January 2010.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE