

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

URIEL LIRA-PEREZ

PLAINTIFF

v.

Civil No. 12-2239

STATE OF ARKANSAS;
SEBASTIAN COUNTY, ARKANSAS;
SEBASTIAN COUNTY SHERIFF'S
DEPARTMENT; and JOHN DOE

DEFENDANTS

ORDER

The Plaintiff has filed a motion to proceed *in forma pauperis* (IFP)(Doc. 4). The motion (Doc. 4) is granted. Pursuant to the provisions of the Prison Litigation Reform Act, the Clerk is directed to collect the \$350 filing fee from the Plaintiff.

Plaintiff has named as Defendants Sebastian County and the Sebastian County Sheriff's Department. The Sheriff's Department is not a person subject to suit under 42 U.S.C. § 1983. The Clerk is directed to substitute Sheriff Hollenbeck as a Defendant in place of the Sheriff's Department. A claim against Sheriff Hollenbeck in his official capacity is the equivalent of a claim against Sebastian County. For this reason, no separate service will directed against Sebastian County.

The Court hereby directs the United States Marshal to serve the Sheriff Hollenbeck. He maybe served at the Sebastian County Sheriff's Office, 800 South A Street, Fort Smith, AR 72901.

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

The Clerk is directed to prepare and issue summons and a USM 285 for each Defendant being served.

IT IS SO ORDERED this 24th day of April 2013.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
CHIEF UNITED STATES MAGISTRATE JUDGE