

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

TYRONE EASTER

PLAINTIFF

v.

Civil No.: 09-3068

CARROLL COUNTY DETENTION CENTER

DEFENDANT

ORDER

Plaintiff's complaint was filed *pro se, in forma pauperis* and pursuant to 42 U.S.C. § 1983. Before the undersigned is the issue of whether the complaint should be served. In order to assist the court in making such determination, it is necessary that plaintiff provide additional information.

Accordingly, it is ordered that plaintiff, Tyrone Easter, complete and sign the attached addendum to his complaint, and return the same to the court **by June 7, 2010**. **Plaintiff is advised that should he fail to return the completed and executed addendum by June 7, 2010, his complaint may be dismissed without prejudice for failure to prosecute and/or for failure to obey an order of the court.**

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

/s/ J. Marschewski

HON. JAMES MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE

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WESTERN DISTRICT OF ARKANSAS
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TYRONE EASTER

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ADDENDUM TO COMPLAINT

TO: TYRONE EASTER

This form is sent to you so that you may assist the court in making a determination as to the issue of whether the complaint should be served upon the defendant(s). Accordingly, it is required that you fill out this form and send it back to the court by **June 7, 2010**. Failure to do so may result in the dismissal of your complaint.

The response must be legibly handwritten or typewritten, and all questions must be answered completely in the proper space provided on this form. If you need additional space, you may attach additional sheets of paper to this addendum.

RESPONSE

1. You have named Carroll County Detention Center as a Defendant in this case. The Carroll County Detention Center is not an entity capable of being sued. *See e.g., Dean v. Barber*, 951 F.2d 1210, 1214 (11th Cir.1992)("[s]heriff's departments and police departments are not usually considered legal entities subject to suit"); *In re Scott County Master Docket*, 672 F.Supp. 1152, 1163 n. 1 (D.Minn.1987)(sheriff's department is not a legal entity subject to suit), *aff'd, Myers v. Scott County*, 863 F.2d 1017 (8th Cir. 1989). Thus, in order for the Court to serve your Complaint, you must name the individuals who you allege violated your constitutional rights.

In the space provided below, list the individuals who you allege violated your constitutional rights.

2. For each individual you listed above in response to question number one, list below the factual basis for your suit against him or her. In other words, state the acts or omissions by each individual that violated your constitutional rights. Be as specific as possible, including any relevant dates.

3. Your Complaint appears to state a claim based on a denial or delay in medical care. In the space below, state the harm which you suffered due to this denial or delay in medical care.

I CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS COVERED BY THE
VERIFICATION MADE BY ME ON MY INITIAL COMPLAINT.

TYRONE EASTER

DATE