

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

MICHAEL SHANE WILMOTH

PLAINTIFF

v.

Civil No. 08-5105

DEPUTY ROBBINS, Benton County
Detention Center; DEPUTY CARLTON,
Benton County Detention Center;
DEPUTY LOWTHER, Benton County
Detention Center; SHERIFF KEITH
FERGUSON, Benton County, Arkansas;
CAPTAIN HUNTER PETRAY, Jail
Administrator, Benton County Detention
Center; and LT. CARTER, Benton
County Detention Center

DEFENDANTS

ORDER

The plaintiff filed a motion for order of protection and a request for transfer to another facility (Doc. 14). He maintains he fears for his well being because of threats made by Deputy Carlton, one of the defendants. Since he filed this lawsuit, plaintiff alleges he has not been provided with conditions of jail confinement that are safe, sanitary, and orderly. He asserts the law library at the Benton County Detention Center is inadequate as is his access to it. Finally, he maintains he is not being provided adequate medical care and his health is declining.

Without substantial justification for doing so, this court does not interfere with the way a jail or detention facility is run. There has been no ruling on the merits of the plaintiff's claims in this case. Plaintiff alleges that he has been threatened by Deputy Carlton but in his brief (Doc. 20) plaintiff refers to the events of March 2, 2008, which are the subject of the complaint. He also contends he has been denied mental health care and medical care and should be immediately transferred to the Arkansas Department of Correction (ADC) so he can obtain adequate care.

There is no basis for this court to order plaintiff transferred to the (ADC) or another facility. The motion for protection (Doc. 14) is denied.

IT IS SO ORDERED this 10th day of September 2008.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE