

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**JAMES H. SMITH, #121310**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 1:11-cv-147-LG-RHW**

**JOE GARCIA, et al.**

**DEFENDANTS**

**ORDER**

Plaintiff filed this *pro se* Complaint pursuant to 42 U.S.C. § 1983. The named Defendants are Joe Garcia, Van Giadrosich, the Pearl River County Sheriff's Office and David Allison. The Court notes that the Pearl River County Sheriff's Office is not a separate legal entity that may be named as a party in a § 1983 lawsuit. However, a county may be held liable in a § 1983 suit, in limited circumstances. Since the Plaintiff is proceeding *pro se*, he will be provided an opportunity to amend his Complaint to clarify if he is naming Pearl River County as a Defendant. Accordingly, it is hereby,

**ORDERED:**

1. That on or before May 23, 2011, Plaintiff shall file a written response to:
  - (a) specifically state if the Plaintiff is naming Pearl River County as a Defendant, if so, specifically state how Pearl River County violated his constitutional rights; and
  - (b) specifically state how Defendant Allison violated his constitutional rights.

**2. That failure to advise this Court of a change of address or failure to timely comply with any order of this Court will be deemed as a purposeful delay and contumacious act by the Plaintiff and may result in this cause being dismissed without further notice to the Plaintiff.**

3. That the Clerk of Court is directed to mail a copy of this order to the Plaintiff at his last known address.

THIS the 2nd day of May, 2011.

s/Robert H. Walker

UNITED STATES MAGISTRATE JUDGE