

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

DERRICK ALLEN

PLAINTIFF

V.

No. 4:18CV00541-JM-JTR

DOC HOLLADAY, Sheriff,
Pulaski County Jail, *et al.*

DEFENDANTS

ORDER

Derrick Allen (“Allen”) filed this § 1983 action when he was a pretrial detainee in the Pulaski County Detention Facility (“PCDF”).¹ *Doc. 2*. On November 1, 2018, the case was dismissed, without prejudice, for lack of prosecution. *Docs. 11 & 12*. Allen has filed a Notice of Change of Address, a Motion to Reopen and a free-world Motion for Leave to Proceed *In Forma Pauperis*. *Docs. 16, 17 & 18*.

I. Motions to Reopen and Proceed *In Forma Pauperis*

For good cause shown, Allen’s Motion to Reopen (*Doc. 18*) is granted, and the Clerk will be directed to reopen the case. Based on the financial information provided, his free-world Motion to Proceed *In Forma Pauperis* (*Doc. 17*) is also granted.

¹Allen and twenty-two other PCDF detainees initiated this action as a single civil rights complaint. In accordance with the Court’s practice, the action was severed into separate lawsuits. *Doc. 7*. Allen has since been released from incarceration. *See Doc. 16*.

II. Screening

Before Allen may proceed, the Court must screen his Complaint.² Allen alleges, while he was housed in the PCDF's R Unit, his security was at risk because the "link door" separating the R and S Units was open "for hours at a time." According to Allen, when the link door was open, one deputy watched both units, which together housed more than 150 inmates. Allen alleges that PCDF policy and "federal law" mandate no more than 80 inmates per officer. He alleges that his security was further at risk because R unit had only one security camera (which left multiple "blind spots") and the speakers in the cells did not work. *Doc. 2 at 5-6.*

Allen also alleges that, because of the staff shortage, the inmates in R Unit were on lockdown which: (1) prevented them from contacting their lawyers, bondsmen, and family; (2) forced them "to give up cell clean-up, in order to come out of their cells";³ and (3) unfairly treated general population inmates as if they were "Ad Seg." Finally, Allen alleges that, if inmates sought help about these matters, they were "threatened, maced and placed in the hole." *Id.*

²The Prison Litigation Reform Act requires federal courts to screen prisoner complaints seeking relief against a governmental entity, officer, or employee. 28 U.S.C. § 1915A(a). The Court must dismiss a complaint or a portion thereof if the prisoner has raised claims that: (a) are legally frivolous or malicious; (b) fail to state a claim upon which relief may be granted; or (c) seek monetary relief from a defendant who is immune from such relief. *Id.* § 1915A(b). When making this determination, a court must accept the truth of the factual allegations contained in the complaint, and it may consider the documents attached to the complaint. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Reynolds v. Dormire*, 636 F.3d 976, 979 (8th Cir. 2011).

³Allen does not explain what this means.

Allen alleges that the above-described conditions in R Unit violated his rights under the Eighth and Fourteenth Amendments. He seeks \$1.5 million in damages. *Id. at 5 & 7.*

Finally, Allen has filed a Motion to Amend his Complaint to: (1) add U.S. President Donald Trump and Arkansas Governor Asa Hutchinson as Defendants; and (2) add another inmate, Ricky Hampton, as a plaintiff. *Doc. 4.*

Before the Court can perform its mandatory screening function as required by § 1915A, Allen must file an Amended Complaint that corrects or clarifies a number of deficiencies in his current pleadings.

First, “[a] prisoner cannot bring claims on behalf of other prisoners.” *Martin v. Sargent*, 780 F.3d 1334, 1337 (8th Cir. 1985). Thus, Allen cannot bring claims on behalf of Hampton or any other R Unit inmates. Instead, Allen can proceed only on the alleged constitutional violations he *personally experienced*. Importantly, in connection with each of those constitutional violations, he must explain how he was *personally harmed or injured*. *Id.*

Second, Allen’s Complaint names, as Defendants, Sheriff Doc Holladay, Grievance Officer Sgt. Brawley, Major Briggs, Sgt. Musaddiq, Lt. Bang and Lt. Routh. However, the Complaint itself contains no factual or legal allegations against any of them. Nor does Allen’s Motion to Amend explain: (1) his legal and factual basis for adding the President and Governor as Defendants; and (2) how both of them

were personally responsible for the alleged constitutional violations. *See Ashcroft v. Iqbal*, 556 U.S. 662, 676 (2009) (explaining that, to state a viable § 1983 claim, a prisoner “must plead that each Government-official defendant, through the official’s own individual actions, has violated the Constitution”).

Therefore, Allen must file an Amended Complaint correcting and clarifying his pleadings by: (1) only asserting constitutional violations that *he* personally experienced; (2) explaining how he was *personally harmed* by the alleged constitutional violations when he was in the PCDF and how long he endured those violations; (3) explaining how each Defendant was *personally involved* in violating his constitutional rights; and (4) explaining *why* he is suing each the Defendants in their individual *and* official capacities.

III. Conclusion

IT IS THEREFORE ORDERED THAT:

1. Allen’s Motion to Reopen and Motion for Leave Proceed *In Forma Pauperis* (Docs. 17 & 18) are GRANTED. The Clerk is directed to reopen this case.
2. Allen’s Motion to Amend (Doc. 4) is DENIED.
3. The Clerk is directed to mail Allen a § 1983 complaint form that is labeled “Amended Complaint.”
4. Allen must file, **within thirty days of the date of this Order**, an Amended Complaint containing the information specified in this Order. If he does

not timely and properly do so, this case will be dismissed, without prejudice, pursuant to Local Rule 5.5(c)(2).

DATED this 13th day of February, 2019.

A handwritten signature in black ink, appearing to read "J. Thomas Ray". The signature is written in a cursive style with a prominent initial "J" and a stylized "R".

UNITED STATES MAGISTRATE JUDGE