

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

ROBERT E. GREEN,

Plaintiff,

v.

CASE NO. 10-3062-SAC

CORRECTIONS CORPORATION  
OF AMERICA,

Defendants.

O R D E R

On July 8, 2010, this court entered an Order dismissing this action upon screening. Mr. Green appealed the dismissal, and the Tenth Circuit Court of Appeals in an opinion filed November 8, 2010, affirmed in part and reversed in part. The Tenth Circuit's mandate issued on January 3, 2011. Based upon the Circuit Court's Order, this court finds that a responsive pleading is required to "the extent that Green's complaint alleges state law tort claims" for damages,<sup>1</sup> over which this court might have diversity jurisdiction under 28 U.S.C. § 1332. Plaintiff has alleged complete diversity and seeks damages in excess of \$75,000.

The defendant named in the caption of the complaint is Corrections Corporation of America. The Circuit Court construed the pro se complaint as naming Officer Medill, a CCA prison

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<sup>1</sup> The Circuit Court affirmed this court's dismissal of all plaintiff's claims of violation of his federal constitutional rights, including those of failure to protect, excessive force, and denial of medical treatment under the Eight Amendment, racial discrimination, denial of Due Process, and denial of First Amendment rights.

official, as an additional defendant. The court finds that summons should issue upon these two defendants.

**IT IS THEREFORE BY THE COURT ORDERED** that Officer Medill, CCA prison official, is added as a defendant in this case.

**IT IS FURTHER ORDERED** that the clerk of the court shall prepare summons and waiver of service forms pursuant to Rule 4(d) of the Federal Rules of Procedure, to be served on defendants by a United States Marshal or a Deputy Marshal at no cost to plaintiff absent a finding by the court that plaintiff is able to pay such costs.

**IT IS FURTHER ORDERED** that plaintiff's Motion to Reopen Case (Doc. 26) is unnecessary and denied as moot.

**IT IS FURTHER ORDERED** that the screening process under 28 U.S.C. § 1915A having been completed, this matter is returned to the clerk of the court for random reassignment pursuant to D.Kan.R. 40.1.

Copies of this Order shall be transmitted to plaintiff and to defendants.

**IT IS SO ORDERED.**

Dated this 10<sup>th</sup> day of January, 2011, at Topeka, Kansas.

s/Sam A. Crow  
U. S. Senior District Judge