

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

ELIZABETH M. BRYANT,

Plaintiff,

v.

CASE NO. 10-3185-SAC

DONALD ASH, et al.,

Defendants.

O R D E R

Plaintiff initiated this matter with a pro se complaint seeking relief under 42 U.S.C. § 1983 while confined in the Wyandotte Adult Detention Center in Kansas City, Kansas. The court granted plaintiff leave to proceed in forma pauperis, and directed plaintiff to submit an amended complaint to avoid summary dismissal of the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) as stating no claim for relief. Plaintiff was subsequently released from the Kansas facility, and she has secured counsel.

Before the court is plaintiff's amended complaint which names additional defendants and seeks dismissal of all defendants named in the original complaint but not in the amended complaint. Accordingly, the following parties are now defendants in this action: the Unified Government of Wyandotte County/Kansas City, Kansas; the Board of County Commissioners of Wyandotte County, Kansas; Jeffery Fewell (as Administrator of the Wyandotte County Adult Detention Center); Detective Rivera and Officer Bonds (as employees of the Wyandotte County Adult Detention Center; Aramark Correctional Services; and Mayor Joe Reardon. The following

defendants named only in the original complaint are dismissed: Sheriff Ash, Wyandotte County Sheriff's Department, Correct Care Solution, and the Wyandotte County Public Defender's Office.

The Rules of Practice of the United States District Court for the District of Kansas provide that "[i]f the court grants leave to proceed without prepayment of fees, the court may proceed under Fed. R. Civ. P. 4(d) to obtain waiver of service of summons on behalf of an inmate plaintiff." D.Kan. Rule 9.19(g)(3). In the present case, where plaintiff is now represented by counsel, the court finds its assistance in the service of process and the amended complaint on defendants is not warranted. Nor does the court find it appropriate under the circumstances to screen the amended complaint, see 28 U.S.C. § 1915A, where it does not appear plaintiff was a prisoner when the amended complaint was filed.

IT IS THEREFORE ORDERED that Sheriff Ash, the Wyandotte County Sheriff's Department, Correct Care Solutions, and the Wyandotte County Public Defender's Office are dismissed as parties in this action.

IT IS FURTHER ORDERED that plaintiff is responsible for service of process in this matter.

**IT IS SO ORDERED.**

DATED: This 10th day of August 2011 at Topeka, Kansas.

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