

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-41447  
Summary Calendar

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RAYMOND WYATT YOUNG,

Plaintiff-Appellant,

versus

BUCK CARROLL, Correctional Officer 3;  
LAWSON ANTHONY, Correctional Officer 3,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 9:99-CV-226  
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August 22, 2000

Before JOLLY, JONES, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Raymond Wyatt Young (Texas prisoner #536364) appeals the district court's dismissal of his civil rights complaint as frivolous and for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B). Young's complaint listed the named defendants as Buck Carroll and Lawson Anthony and alleged an excessive-force claim against Carroll which Anthony purportedly witnessed. Along with his complaint, Young submitted prison grievance forms which included complaints that the recreational yard for prisoners in

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

administrative segregation did not have a toilet and a water faucet.

In his report, the magistrate judge addressed the claim pertaining to the prison recreational yard but did not address the excessive-force claim against Carroll. Although Young's complaint listed Carroll and Anthony as named defendants, the magistrate judge listed the named defendants as David Sweetin, Todd Harris, and Michael Sizemore. It is also at this time that the caption of the case changed from Young v. Carroll to Young v. Sweetin. The district court later adopted the magistrate judge's report over Young's objections. It is not clear from the record whether Young v. Carroll and Young v. Sweetin are two separate actions or are indeed the same action. Given these circumstances and that Young's excessive-force claim went unaddressed, we VACATE the district court's judgment and REMAND the case for additional proceedings consistent with this opinion.

VACATED AND REMANDED.