

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

SAUL M. STEVENS,)	
)	
)	Plaintiff,
vs.)	2:11-cv-89-JMS-TAB
)	
PAUL HARTZLER,)	
VIGO COUNTY SHERIFF’S DEPARTMENT,)	
)	
)	Defendant.

Entry Discussing Complaint and Directing Further Proceedings

I.

Plaintiff Saul Steven’s request for leave to proceed *in forma pauperis* is **granted**. The assessment of even a partial initial filing fee is not feasible at this time.

II.

Saul Stevens alleges that defendant Paul Hartzler, a detective with the Vigo County Sheriff’s Department, violated Stevens’ constitutional rights by illegally searching and seizing his vehicle and its contents. Stevens seeks money damages.

Stevens is a prisoner, meaning that his complaint must be screened pursuant to 28 U.S.C. § 1915A. This statute “requires the district judge to screen prisoner complaints at the earliest opportunity and dismiss the complaint, in whole or part, if . . . it ‘fails to state a claim upon which relief can be granted.’” *Sanders v. Sheahan*, 198 F.3d 626 (7th Cir. 1999) (quoting 28 U.S.C. § 1915A(b)(1)).

The claim against the Vigo County Sheriff’s Department is **dismissed** because there is no allegation of wrongdoing on its part. "Where a complaint alleges no specific act or conduct on the part of the defendant and the complaint is silent as to the defendant except for his name appearing in the caption, the complaint is properly dismissed." *Potter v. Clark*, 497 F.2d 1206, 1207 (7th Cir. 1974).

No partial final judgment shall issue at this time as to the claim resolved in this Entry.

III.

The clerk is designated, pursuant to *Fed. R. Civ. P. 4(c)(3)*, to issue and serve process on **Detective Paul Hartzler** in the manner specified by *Fed. R. Civ. P. 4(d)(1)*. Process in this case shall consist of the complaint, applicable forms and this Entry.

IT IS SO ORDERED.

Date: 05/03/2011



Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

SAUL M. STEVENS
162020
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Vigo County Sheriff's Office
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Terre Haute, IN 47807