

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS

DAVID W. HOWELL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 14-CV-2008
	)	
SUE SWAIN, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MERIT REVIEW OPINION**

The plaintiff, proceeding pro se and currently not incarcerated seeks leave to proceed in forma pauperis in this civil case. The plaintiff states that he has no money, no job or source of income, Therefore, plaintiff’s [2] motion to proceed in forma pauperis is GRANTED.

The case is before the Court for a merit review pursuant to 28 U.S.C. § 1915A. In reviewing the Complaint, the Court accepts the factual allegations as true, liberally construing them in the plaintiff’s favor. Turley v. Rednour, 729 F.3d 645, 649 (7<sup>th</sup> Cir. 2013).

The Court has reviewed the Complaint and has also held a merit review hearing in order to give the plaintiff a chance to personally explain his claims to the Court. The Court concludes that the plaintiff states the federal claims detailed below.

**IT IS THEREFORE ORDERED:**

1) Pursuant to its merit review of the Complaint under 28 U.S.C. § 1915A, the Court finds that the plaintiff states a claim for cruel and unusual punishment for being denied treatment for a serious medical need. This case proceeds solely on the claims identified in this paragraph. Any additional claims shall not be included in the case, except at the Court’s discretion on motion by a party for good cause shown or pursuant to Federal Rule of Civil Procedure 15.

2) The clerk's office is directed to send the plaintiff a copy of the Court's standard complaint form.

3) The plaintiff is directed to file an amended complaint using the Court's standard complaint form by May 8, 2014. Failure to file an amended complaint could result in dismissal of this case with prejudice.

4) Once the Court receives plaintiff's amended complaint, this case will accordingly be sent for service.

ENTER: April 24, 2014

/s/ Harold A. Baker

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HAROLD A. BAKER  
U. S. District Judge