

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

ALVIN BEASLEY, MICHAEL)	
MYERS, and HENRY JOHNSON,)	
)	
Plaintiffs,)	
)	
v.)	15-CV-2252-SEM
)	
COOKIE GALLOWAY, et al.,)	
)	
Defendants.)	
)	

MERIT REVIEW OPINION

Plaintiffs Alvin Beasley, Michael Myers, and Henry Johnson, who identified themselves as “class members”, proceed *pro se* under § 1983, alleging deliberate indifference to their serious medical needs at the Vermilion County Jail. 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 Plaintiff’s favor. Turley v. Rednour, 729 F.3d 645, 649 (7th Cir. 2103). However, conclusory statements and labels are insufficient. Enough facts must be provided to “state a claim for relief that is plausible on its

face." Alexander v. U.S., 721 F.3d 418, 422 (7th Cir. 2013)(quoted cite omitted).

ANALYSIS

Plaintiffs have identified themselves as “class members”, but as non-lawyers, they may only represent themselves, and may not represent a class, or each other. *Lewis v. Lenc-Smith Mfg. Co.*, 784 F.2d 829, 830 (7th Cir. 1986)(per curiam). Furthermore, Plaintiffs seek to impermissibly join unrelated claims. They have alleged deliberate indifference at the Vermilion County Jail to their individual medical conditions, occurring at different times, and naming two different defendants. *See George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007), “[u]nrelated claims against different defendants belong in different suits.” In addition, Plaintiff Johnson has filed a Motion to Sever his case from that of the others. [ECF 16].

The Seventh Circuit has held that severance is appropriate under Federal Rule of Civil Procedure 21, as long as the resulting claims are “discrete and separate.” *Rice v. Sunrise Express*, 209 F.3d 1008, 1016 (7th Cir. 2000). Accordingly, the Court will proceed on the claim filed by Alvin Beasley. The claims by Michael

Myers and Henry Johnson will be severed. The Clerk is to open two new cases: *Myers v. Vermilion County*, and *Johnson v. Vermilion County*, and the cases are to be reassigned in the normal course. Plaintiffs Myers and Johnson are to file an Amended Complaint within 30 days, with each realleging his claims in its own distinct complaint. The Amended Complaints will be scheduled for a merit review pursuant to 28 U.S.C. §1915A.

Plaintiff Beasley is likewise given 30 days in which to file an Amended Complaint, asserting his own individual claims in this case, *Beasley v. Gallaway*, No. 15-2252 (C.D. Ill. Oct. 26, 2016). All pending motions are VACATED.

IT IS THEREFORE ORDERED:

1) Plaintiff Beasley's Complaint is dismissed for impermissibly joining unrelated claims, and attempting as a non-attorney to represent a class. Plaintiff shall have 30 days from the entry of this order in which to file an amended complaint. Failure to file an amended complaint will result in the dismissal of this case, without prejudice, for failure to state a claim. Plaintiff's amended complaint will replace Plaintiff's

original complaint in its entirety. Accordingly, the amended complaint must contain all allegations against all Defendants. Piecemeal amendments are not accepted.

2) The claims of Michael Myers and Henry Johnson are severed. The Clerk is to open two new cases: *Myers v. Vermilion County*, and *Johnson v. Vermilion County*, and reassign the cases.

3) Plaintiffs Myers and Johnson are each to file an Amended Complaint in their individual, newly opened case, within 30 days.

ENTERED: April 7, 2016

**s/Sue E. Myerscough
SUE E. MYERSCOUGH
UNITED STATES DISTRICT JUDGE**