

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

CORTEZ SANDERS,)	
Plaintiff,)	
)	
vs.)	Case No. 16-2113
)	
JEROME COMBS DETENTION)	
CENTER, et. al.,)	
Defendants.)	

MERIT REVIEW ORDER

The pro se Plaintiff originally filed his lawsuit in the United States District Court for the Northern District of Illinois. [1] In his complaint, Plaintiff alleged he was shot three times during his arrest, but only one bullet was removed. Shortly after his arrival at the Kankakee County Jail in June of 2014, Plaintiff complained to Nurse Tom that he was in pain. The nurse told Plaintiff there was nothing wrong with him and the bullets would not move. However, Plaintiff says an x-ray revealed the bullets had moved and one was no longer detectable. When he complained to both Nurse Tom and Nurse Angie about pain, neither took him seriously. Plaintiff expresses concern that the bullets could move and cause damage, but he does not seek injunctive relief. Instead, he asks for damages for alleged deliberate indifference to a serious medical condition. [1]; *See also* April 20, 2016 Order.

None of the Plaintiff's claims involved the Northern District of Illinois, and therefore the case was transferred to the Central District. *See* April 20, 2016 Order. There are several problems with Plaintiff's complaint. First, he names four Defendants including the Jerome Combs Detention Center, the Kankakee County Detention Center, Nurse Tom and Nurse Angie. The Plaintiff does not clarify the difference between the two detention centers. More important, neither is a proper Defendant in a lawsuit pursuant to 42 U.S.C. § 1983 because the Plaintiff must identify the individuals, not facilities, which are responsible for his allegations. *See Powell v Cook County Jail*, 814 F.Supp 757, 758 (N.D. Ill. 1993)(jail not a person or legal entity subject to suit.)

In addition, a complaint must contain "enough details about the subject-matter of the case to present a story that holds together," *Swanson v. Citibank, N.A.*, 614 F.3d 400, 404 (7th Cir. 2010), along with allegations "plausibly suggesting (not merely consistent with) an entitlement to relief," *Lavalais v. Vill. of Melrose Park*, 734 F.3d 629, 632 (7th Cir. 2013) (internal quotation marks and citation omitted). Plaintiff's complaint lacks enough details to sufficiently put the Defendant Nurses on notice of his claims. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)(a complaint must give defendants fair notice of the intended claims and the basis of those claims). For instance, Plaintiff does not provide any time frames for his allegations. It is unclear when he saw either nurse, when he received the x-ray, or when he was shot. Furthermore, Plaintiff has not clearly alleged a serious medical condition. Plaintiff vaguely alleges he

complained of pain, but does not provide any information concerning how he complained, where his pain was located, or what he told each Defendant.

Therefore, the Court will dismiss the detention centers as Defendants and dismiss Plaintiff's initial complaint. Plaintiff will be allowed additional time to file an amended complaint clarifying his claims. The amended complaint must stand complete on its own without reference to the first document. Plaintiff must provide a factual basis for his claim as explained above.

IT IS THEREFORE ORDERED that:

- 1) Plaintiff's complaint is dismissed as a violation of Rule 8 of the Federal Rules of Civil Procedure. *See* 28 U.S.C. §1915A. The Clerk of the Court is also directed to dismiss Defendants Jerome Combs Detention Center and the Kankakee County Detention Center.
- 2) The Court will allow the Plaintiff an opportunity to file an amended complaint to clarify his claims. The amended complaint must provide the factual information referenced in this order to put the Defendants on notice of Plaintiff's specific claims.
- 3) The Plaintiff must file his amended complaint in compliance with this order within twenty-one days of the date on this order. The Clerk of the Court is to provide the Plaintiff with a blank complaint form to assist him. Failure to follow the Court's directions or failure to file the amended complaint by the deadline will result in the dismissal of this lawsuit.
- 4) The Clerk of the Court is to reset the internal merit review deadline for thirty days from this order.

Entered this 17th day of August, 2016.

s/ Harold A. Baker

HAROLD A. BAKER
UNITED STATES DISTRICT JUDGE