

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

JOSHUA S. HEADRICK,)	
)	
Plaintiff,)	
)	
v.)	17-CV-2254
)	
VICTOR CALLOWAY,)	
)	
Defendant.)	

SECOND MERIT REVIEW OPINION

SUE E. MYERSCOUGH, U.S. District Judge.

Plaintiff proceeds pro se from his incarceration in Danville Correctional Center. Plaintiff's original complaint was dismissed for failure to state a claim, with leave to file an amended complaint. The Court explained in that dismissal that, generally, short-term segregation does not violate an inmate's constitutional rights because occasional segregation is an expected part of incarceration.

Plaintiff has filed an amended complaint, but the allegations in the amended complaint still do not suggest that his segregation was long (in the constitutional sense) or atypical. Plaintiff alleges that prison officials have placed a chip in his ears which was turned on during Plaintiff's segregation in order to disrupt Plaintiff's nervous

system and to record Plaintiff's thoughts or statements. These allegations are presumably already incorporated in another case Plaintiff has pending, in which his appointed pro bono counsel has filed an amended complaint alleging deliberate indifference to serious mental health needs. Headrick v. Edwards, 16-cv-3003 (C.D. Ill.)

IT IS THEREFORE ORDERED:

1) Plaintiff's motion for leave to file an amended complaint is granted. (d/e 67.) However, this action is dismissed for failure to state a claim pursuant to 28 U.S.C. § 1915A.

2) This dismissal shall count as one of the plaintiff's three allotted "strikes" pursuant to 28 U.S.C. Section 1915(g).

3) Plaintiff must still pay the full filing fee of \$350 even though his case has been dismissed. The agency having custody of Plaintiff shall continue to make monthly payments to the Clerk of Court, as directed in the Court's prior order.

4) If Plaintiff wishes to appeal this dismissal, he must file a notice of appeal with this Court within 30 days of the entry of judgment. Fed. R. App. P. 4(a). A motion for leave to appeal in forma pauperis should set forth the issues Plaintiff plans to present

on appeal. See Fed. R. App. P. 24(a)(1)(C). If Plaintiff does choose to appeal, he will be liable for the \$505 appellate filing fee irrespective of the outcome of the appeal.

5) The clerk is directed to close this case and enter judgment.

ENTERED: 7/25/2018

FOR THE COURT:

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