

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

CARL TATE,)	
)	
Plaintiff,)	
)	
v.)	13-CV-3060
)	
MS. LYNCH, TARRY)	
WILLIAMS, SANDRA FUNK,)	
S.A. GODINEZ, and)	
DOE DEFENDANTS)	
)	
Defendants.)	

OPINION

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

Plaintiff, proceeding pro se and incarcerated in Western Illinois Correctional Center, seeks leave to proceed in forma pauperis. The case is before the Court for a merit review pursuant to 28 U.S.C. § 1915A.

Upon review of Plaintiff's pleadings, the Court concludes that Plaintiff states an Eighth Amendment claim for deliberate indifference to a substantial risk of serious harm to his mental health and physical safety arising from his placement at Western Illinois Correctional Center in light of Plaintiff's alleged gender

identity disorder. He also states an arguable Eighth Amendment claim that the failure to protect Plaintiff effectively imposes inhumane conditions of confinement because Plaintiff must avoid showering, eating, and visiting the yard and gym to stay safe, and a First Amendment claim that he cannot go to church because of the failure to protect him. An equal protection claim is also arguably stated.

Plaintiff has filed a motion for a preliminary injunction seeking a transfer to Dixon Correctional Center or Centralia Correctional Center, where Plaintiff believes he will be safer from sexual harassment, sexual assault, and attacks. According to Plaintiff's Complaint, in January 2013 Plaintiff attempted to kill himself by taking an overdose of pain medicine and trying to hang himself, due to Defendants' failure to protect him from substantial and serious risks to his mental health and physical safety. Plaintiff also alleges that he was raped in Pontiac Correctional Center in 2010, which is the subject of a lawsuit pending in the U.S. District Court in Peoria.

IT IS THEREFORE ORDERED:

1. Plaintiff's in forma pauperis petition is granted (d/e 2).

2. THE CLERK IS DIRECTED TO enter the standard text order assessing an initial partial filing fee, after receipt of Plaintiff's trust fund ledgers.
3. **By March 15, 2013, the U.S. Marshals are directed to serve a copy of the complaint, summons, Plaintiff's motion for a preliminary injunction, Plaintiff's memorandum in support of his motion for preliminary injunction, and this text order on Defendants. Costs of service shall be advanced by the United States.**
4. **BY MARCH 11, 2013, THE CLERK IS DIRECTED TO** prepare the service packets and deliver them to the Marshals for service on Defendants.
5. A hearing on Plaintiff's motion for preliminary injunction is scheduled for March 20, 2013 at 2:30 p.m.. Plaintiff shall appear by video. Defense counsel shall appear in person. Defendants may appear in person or by video.
6. THE CLERK IS DIRECTED TO issue a video writ to secure Plaintiff's presence at the preliminary injunction hearing.

7. THE CLERK IS DIRECTED TO email a copy of this order to Illinois Assistant Attorney General Jerrod Williams and to Terence Corrigan.

ENTERED: March 8, 2013

FOR THE COURT:

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