

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

WILLIAM WALLS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 14-CV-3241
)	
GREGG SCOTT,)	
Defendants.)	

MERIT REVIEW AND CASE MANAGEMENT ORDER

The plaintiff, proceeding pro se, a pretrial detainee in the Rushville Treatment and Detention Center, has filed this lawsuit pursuant to 42 U.S.C. § 1983 and is requesting leave to proceed in forma pauperis.

The Court is required by 28 U.S.C. § 1915A to “screen” the plaintiff’s complaint, and through such process to identify and dismiss any legally insufficient claim, or the entire action if warranted. A claim is legally insufficient if it “(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.”

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 (7th 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 plaintiff is detained in the Rushville Treatment and Detention Center for sexually violent persons. He is challenging state court proceedings under the Illinois Sexually Violent Persons Act which have caused his continued detention. The plaintiff cannot pursue claims challenging his confinement in an action under 42 U.S.C. § 1983. The federal route for challenging custody is through a habeas corpus action after the exhaustion of state court remedies.” Williams v. Wisconsin, 336 F.3d 576, 579 (7th Cir. 2003). Therefore, this case is dismissed without prejudice to the plaintiff filing a habeas corpus action.

IT IS THEREFORE ORDERED:

- 1) The plaintiff's petition to proceed in forma pauperis (#2) is denied, and this case is dismissed without prejudice.
- 2) The clerk's office is directed to send plaintiff the standard forms for filing a habeas corpus action.

Entered this 16th day of September, 2014.

/s/ Harold A. Baker

HAROLD A. BAKER
UNITED STATES DISTRICT JUDGE