

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS**

RAYMOND MEEKER,)	
)	
Plaintiff,)	
v.)	No.: 16-cv-4207-MMM
)	
ILLINOIS DEPT. OF CORRECTIONS,)	
And STATE OF ILLINOIS,)	
)	
Defendants.)	

MERIT REVIEW ORDER

Plaintiff, currently incarcerated in the Hill Correctional Center, proceeds *pro se* alleging kidnapping, slander and false imprisonment against the Illinois Department of Corrections (“IDOC”) and the State of Illinois. It appears that Plaintiff’s allegations arise from a felony conviction for which he is currently serving a sentence. 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, (7th Cir. 2013). 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). While the pleading standard does not require “detailed factual allegations”, it requires “more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Wilson v. Ryker*, 451 Fed. Appx. 588, 589 (7th Cir. 2011) quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

ANALYSIS

Plaintiff's allegations are sparse, stating only that he was kidnapped and wrongfully imprisoned as a result of an unidentified felony conviction. It is unclear whether Plaintiff is asserting a § 1983 action or intends to file a habeas petition. This, particularly, as he asks for neither equitable relief nor money damages. If Plaintiff intends this as a § 1983 claim, he does not provide sufficient information to determine whether this is an Eighth Amendment claim, which might be barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), or a Fourth Amendment claim, which might not. *Wallace v. Kato*, 549 U.S. 384, 395, 127 S.Ct. 1091, 166 L.Ed.2d 973 (2007); *Dominguez v. Hendley*, 545 F.3d 585, 589 (7th Cir. 2008) ("the Supreme Court has held that, unlike fair trial claims, Fourth Amendment claims as a group do not necessarily imply the invalidity of a criminal conviction, and so such claims are not suspended under the *Heck* bar to suit.") If, however, it was not Plaintiff's intention to file a § 1983 action, he is to inform the Court within 30 days and he will not be assessed the filing fee.

The Complaint is dismissed as Fed.R.Civ.P 8(a)(2) provides that a pleading must contain a short and plain statement showing that the pleader is entitled to the relief sought. As the Seventh Circuit has consistently noted, "the essential function of a complaint under the civil rules...is to put the defendant on notice of the plaintiff's claim." *Ross Brothers Construction Co., Inc. v. International Steel Services, Inc.*, 2002 WL 413172, at *6 (7th Cir. 2002) quoting *Davis v. Ruby Foods, Inc.*, 269 F.3d 818, 820 (7th Cir. 2001). This complaint fails to identify any requested relief and fails to provide notice to the Defendants of the claims against them.

IT IS THEREFORE ORDERED:

1) Plaintiff's Complaint is dismissed with leave to replead, within 30 days, if he wishes to proceed under § 1983. If not, he is to inform the Court within that same time and he will not be assessed a filing fee. Failure to file an amended complaint may result in the dismissal of this case, without prejudice.

2) Plaintiff's Motion for Status [8] is rendered MOOT as a result of this Order.

4/5/2017
ENTERED

s/Michael M. Mihm
MICHAEL M. MIHM
UNITED STATES DISTRICT JUDGE