

## United States District Court, Northern District of Illinois

<b>Name of Assigned Judge or Magistrate Judge</b>	JOHN A. NORDBERG	<b>Sitting Judge if Other than Assigned Judge</b>	
<b>CASE NUMBER</b>	11 C 6064	<b>DATE</b>	September 13, 2011
<b>CASE TITLE</b>	Sherman Horton (#K-71880) vs. Sheriff of Cook County, et al.		

### DOCKET ENTRY TEXT:

The complaint on file is dismissed without prejudice. The plaintiff is granted thirty days from the date of this order to submit an amended complaint limited to a single claim. Failure to submit an amended complaint within thirty days will result in summary dismissal of this case.

■ [For further details see text below.]

Docketing to mail notices.

### STATEMENT

The plaintiff, currently an Illinois state prisoner, has brought this civil rights action pursuant to 42 U.S.C. § 1983. The plaintiff claims that while he was confined at the Cook County Jail: (1) a correctional officer repeatedly fondled the plaintiff and other inmates when searching them after they returned from their job assignments, and (2) the facility's kitchen was vermin-infested, resulting in the plaintiff's discovery of a dead mouse in his meal on one occasion. The suit, filed by counsel, is framed in class action terms. Although the statutory filing fee has been paid, the complaint is nevertheless subject to a threshold review under 28 U.S.C. § 1915A.

The complaint is dismissed without prejudice, and the plaintiff must submit an amended complaint. The document on file contains misjoined claims. As discussed in *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007),

The controlling principle appears in Fed. R. Civ. P. 18(a): "A party asserting a claim to relief ... may join, either as independent or as alternate claims, as many claims, legal, equitable, or maritime, as the party has against an opposing party." Thus multiple claims against a single party are fine, but Claim A against Defendant 1 should not be joined with unrelated Claim B against Defendant 2. Unrelated claims against different defendants belong in different suits....

*George*, 507 F.3d at 607. In the case at bar, the plaintiff's two claims are entirely related and would seem to be directed at different defendants; in addition, the court questions how a class could be certified given the distinct

**(CONTINUED)**

mjm

**STATEMENT (continued)**

nature of each claim. The plaintiff must therefore choose a single, core claim to pursue under this case number. Any other claims the plaintiff may wish to prosecute must be brought in separate lawsuits.

The plaintiff is granted thirty days from the date of this order to submit an amended complaint. If the plaintiff fails to comply within thirty days, the case will be summarily dismissed.