IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CHRISTOPHER WELLS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**Case No. 16−cv–0665−JPG**
	)	
CITY OF MT. VERNON, ILLINOIS	)	
	)	
Defendant.	)	
	)	

MEMORANDUM AND ORDER

GILBERT, District Judge:

Plaintiff Christopher Wells, an inmate in Jefferson County Justice Center in Mount Vernon, Illinois, brings this action for deprivations of his constitutional rights pursuant to 42 U.S.C. § 1983. This case is now before the Court for a preliminary review of the Complaint pursuant to 28 U.S.C. § 1915A, which provides:

> (a) **Screening** – The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.
> (b) **Grounds for Dismissal** – On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint–
> (1) is frivolous, malicious, or fails to state a claim on which relief may be granted; or
> (2) seeks monetary relief from a defendant who is immune from such relief.

An action or claim is frivolous if "it lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). An action fails to state a claim upon which relief

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can be granted if it does not plead "enough facts to state a claim to relief that is plausible on its face." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). Conversely, a complaint is plausible on its face "when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Although the Court is obligated to accept factual allegations as true, *see Smith v. Peters*, 631 F.3d 418, 419 (7th Cir. 2011), some factual allegations may be so sketchy or implausible that they fail to provide sufficient notice of a plaintiff's claim. *Brooks v. Ross*, 578 F.3d 574, 581 (7th Cir. 2009). Additionally, Courts "should not accept as adequate abstract recitations of the elements of a cause of action or conclusory legal statements." *Id.* At the same time, however, the factual allegations of a pro se complaint are to be liberally construed. *See Rodriguez v. Plymouth Ambulance Serv.*, 577 F.3d 816, 821 (7th Cir. 2009).

Upon careful review of the complaint and any supporting exhibits, the Court finds it appropriate to exercise its authority under § 1915A; this action is subject to summary dismissal, although Plaintiff will be granted leave to file an amended complaint.

The Complaint

On May 11, 2011, Plaintiff, who was then a minor child, was taken into custody by the Mt. Vernon Police Department. (Doc. 1, p. 1). Plaintiff's parents or guardians were never notified that he had been taken into custody, and no attempts to contact Plaintiff's parents were made. (Doc. 1, p. 1). Detective Bullard coerced Plaintiff into incriminating himself by telling Plaintiff that if he showed remorse and identified the shooter in the relevant crime, his case would be kept in juvenile court. (Doc. 1, p. 1). Plaintiff's statement was not suppressed. (Doc. 1, p. 3).

Discussion

Here, the only Defendant Plaintiff has named is the City of Mount Vernon itself. In order to obtain relief against a municipality, a plaintiff must allege that the constitutional deprivations were the result of an official policy, custom, or practice of the municipality. *Monell v. Dept. of Soc. Servs.*, 436 U.S. 658, 691 (1978); *see also Pourghoraishi v. Flying J, Inc.*, 449 F.3d 751, 765 (7th Cir. 2006). Plaintiff has not made that allegation here; his Complaint is only concerned with the Plaintiff's own treatment. Nor has Plaintiff pleaded sufficient factual content from which the Court could infer that Mount Vernon had such an official policy, custom, or practice. *See City of Oklahoma City v. Tuttle*, 471 U.S. 808, 824 (1985) ("Proof of a single incident of unconstitutional activity is not sufficient to impose liability under *Monell* unless proof of the incident includes proof that it was caused by an existing, unconstitutional municipal policy, which policy can be attributed to a municipal policymaker.").

Plaintiff does allege that Detective Bullard participated in his unconstitutional interrogation. However, Bullard is not listed in the case caption. Pursuant to Federal Rule of Civil Procedure 10(a), the case caption must contain all parties. Pro se prisoners must comply with this rule. *Cash v. Marion Cnty. Jail*, 211 F. App'x 486, 488 (7th Cir. 2006). Moreover, it is not clear the Bullard actually participated in the conduct at issue here—the failure to notify Plaintiff's parents or guardians. The reason that plaintiffs, even those proceeding *pro se*, for whom the Court is required to liberally construe complaints, *see Haines v. Kerner*, 404 U.S. 519, 520-21 (1972), are required to associate specific defendants with specific claims is so these defendants are put on notice of the claims brought against them and so they can properly answer the complaint. "Federal Rule of Civil Procedure 8(a)(2) requires only 'a short and plain statement of the claim showing that the pleader is entitled to relief,' in order to 'give the

defendant fair notice of what the . . . claim is and the grounds upon which it rests.'" *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). Without a clear statement that Bullard was the officer responsible for the alleged constitutional violation, Plaintiff's Complaint fails to state a claim upon which relief could be granted.

Disposition

IT IS HEREBY ORDERED that the Complaint (Doc. 1) is **DISMISSED without prejudice**.

IT IS FURTHER ORDERED that, should he wish to proceed with this case, Plaintiff shall file his First Amended Complaint, associating specific Defendants with specific factual allegations within 35 days of the entry of this order (**on or before September 14, 2016**). An amended complaint supersedes and replaces the original complaint, rendering the original complaint void. *See Flannery v. Recording Indus. Ass'n of Am.,* 354 F.3d 632, 638 n.1 (7th Cir. 2004). The Court will not accept piecemeal amendments to the original Complaint. Thus, the First Amended Complaint must stand on its own, without reference to any other pleading. Should the First Amended Complaint not conform to these requirements, it shall be stricken. Plaintiff must also re-file any exhibits he wishes the Court to consider along with the First Amended Complaint. Failure to file an Amended Complaint shall result in the dismissal of this action with prejudice. Such dismissal shall count as one of Plaintiff's three allotted "strikes" within the meaning of 28 U.S.C. § 1915(g).

No service shall be ordered on any Defendant until after the Court completes its § 1915A review of the First Amended Complaint.

In order to assist Plaintiff in preparing his amended complaint, the Clerk is **DIRECTED** to mail Plaintiff a blank civil rights complaint form.

IT IS SO ORDERED.

DATED: August 10, 2016

s/J. Phil Gilbert
U.S. District Judge