

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

**TREMAINE ARRON JOHNSON,
R-15625,**

Plaintiff,

vs.

**JACKIE LASHBROOKE,
C/O CARTER,
C/O BUMP,
C/O DRABES,
JOHN DOE 1,
JOHN DOE 2,
and JOHN DOE 3,**

Defendants.

Case No. 17-cv-00193-MJR

MEMORANDUM AND ORDER

REAGAN, Chief District Judge:

Plaintiff, an inmate who is currently incarcerated at Menard Correctional Center (“Menard”), brings this civil rights action pursuant to 42 U.S.C. § 1983. In the Complaint, Plaintiff alleges that he was attacked and injured by a former cellmate at Menard. (Doc. 1, pp. 1-10). He now suffers from post-traumatic stress disorder. (Doc. 1, p. 8). Plaintiff claims that prison officials at Menard failed to protect him from an obvious risk of harm and also denied him adequate medical care and mental health treatment for his resulting injuries. (Doc. 1, pp. 1-10). He names four known defendants (Warden Jackie Lashbrooke, C/O Carter, C/O Bump, and C/O Drabes) and three unknown defendants (John Doe ##1-3) in connection with several federal constitutional and state law claims. *Id.* Plaintiff seeks monetary damages and injunctive relief. (Doc. 1, pp. 10-11).

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). Frivolousness is an objective standard that refers to a claim that any reasonable person would find meritless. *Lee v. Clinton*, 209 F.3d 1025, 1026-27 (7th Cir. 2000). An action fails to state a claim upon which relief 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). The claim of entitlement to relief must cross “the line between possibility and plausibility.” *Id.* at 557. At this juncture, the factual allegations of the *pro se* complaint are to be liberally construed. *See Rodriguez v. Plymouth Ambulance Serv.*, 577 F.3d 816, 821 (7th Cir. 2009). The Complaint survives preliminary review under this standard.

The Complaint

On December 27, 2016, Plaintiff was moved into a new cell with an inmate who is classified as an “elevated security risk” (“ESR”). (Doc. 1, pp. 3-4). ESR inmates are considered highly dangerous and often have a cellmate restriction because of their classification. *Id.* Warden Lashbrooke, C/O Carter, and John Doe 1 (placement officer) are responsible for reviewing and updating the ESR chart on a daily basis and distributing the list to staff and facility personnel. (Doc. 1, p. 3). They are also responsible for the review and approval of every cell assignment or inmate movement at Menard. (Doc. 1, pp. 3-4).

Against this backdrop, Plaintiff was approached by an unknown correctional officer and informed that he would be moved from Cell 832 to Cell 239 in Menard's North-2 Cell House. (Doc. 1, p. 4). After Plaintiff packed his belongings, the correctional officer cuffed him and escorted him to his new cell. *Id.* James Wallace, Jr. (B74589), an "ESR committed person," already occupied Cell 239. *Id.*

C/O Spiller and another unknown correctional officer ordered Inmate Wallace to cuff up and step outside of the cell so that Plaintiff could enter. *Id.* While doing so, Inmate Wallace told them, "I should not have a celly and ya'll [meaning the c/o's] know this." (Doc. 1, p. 4). C/O Spiller responded, "We're just doing what we are told." *Id.* Inmate Wallace then stepped away from the cell as C/O Spiller and the unknown officer allowed Plaintiff to enter. *Id.* When Inmate Wallace stepped back into the cell, both inmates were uncuffed and left alone. *Id.*

Plaintiff unpacked his belongings and went to take a shower. (Doc. 1, p. 4). After returning to the cell, he fell asleep. *Id.* When he awoke, Plaintiff was on the floor in cuffs, asking, "what happened . . . why am I on the floor?" *Id.* A correctional officer explained that Inmate Wallace tried to kill Plaintiff by choking him as he slept. *Id.* The correctional officer then stated, "[T]hey should not have put you in there with him, like he [Wallace] told them." *Id.*

Plaintiff alleges that Warden Lashbrooke, Major Carter, and C/O Doe 1 should not have approved the cell assignment, in light of Inmate Wallace's ESR status and cellmate restriction. (Doc. 1, p. 5). Further, John Doe 2 (first shift lieutenant), John Doe 3 (first shift sergeant), and C/O Bump knew that Inmate Wallace was classified as an ESR with a cellmate restriction. *Id.* Nevertheless, they took no steps to protect Plaintiff from the "high risk" of a "physical encounter" between the two inmates. *Id.* All lower ranking officers should have reviewed the

ESR chart and consulted with C/O Bump or another superior about Plaintiff's placement with Inmate Wallace. *Id.*

As a result of the attack, Plaintiff suffered injuries to his left rib cage, right foot and ankle, and the back of his head. (Doc. 1, p. 5). C/O Bump and two unknown correctional officers accompanied him to Menard's Health Care Unit for medical treatment following the attack. (Doc. 1, p. 6). Although Plaintiff cannot recall who treated him, he recalls C/O Bump describing the reason for his injuries as being a seizure. *Id.* For this reason, Plaintiff was placed in an overnight cell for observation. *Id.*

The doctor did "nothing" to treat Plaintiff. (Doc. 1, p. 6). He was given Tylenol and some other form of pain medication. *Id.* However, neither medication stopped the pain. *Id.*

Plaintiff was also questioned by the Illinois State Police during his overnight stay. (Doc. 1, p. 6). At the time, he could not walk without assistance because his gait was unsteady. *Id.* He required an escort from the overnight cell to the interview room. *Id.*

Plaintiff was then placed in a wheelchair and taken to Cell 221 in North-2 Cell House. (Doc. 1, p. 6). He was given no sheets or a blanket the first night. *Id.* Plaintiff also could not stand. *Id.*

He began having a panic attack and requested help from C/O Drabes. (Doc. 1, p. 6). Plaintiff told the officer that he could not breathe, and the walls felt like they were "closing in." *Id.* He informed the officer that he had passed out twice, and felt like his head was "spinning." *Id.* In response, C/O Drabes told him to "tough it out." *Id.* The officer went on to explain that a call for help would only result in Plaintiff's placement in a cell "with nothing," including no clothing or underwear. *Id.* He would be treated the same as if he was on suicide watch. *Id.*

Plaintiff pleaded with C/O Drabes to contact someone who could help him understand why he was feeling this way. *Id.* The officer just walked away and did not return. *Id.*

An unknown officer apparently wrote a letter to Lieutenant Doe 2 and Sergeant Doe 3 about Plaintiff's request for mental health treatment. (Doc. 1, p. 7). In response, they told Plaintiff that no one was around because of the upcoming holiday. *Id.* For "days," Plaintiff continued requesting help. *Id.* He did not eat and regularly passed out. *Id.* Each time, he woke up feeling as though he was being choked in his sleep. *Id.* He felt like he was dying. *Id.* He could not trust the prison officials to protect him. *Id.*

On January 2, 2017, Plaintiff was seen by Jacob Weatherfur who works in mental health. (Doc. 1, p. 7). Plaintiff described his symptoms to Weatherfur and explained that he felt like taking his own life rather than suffer from them. (Doc. 1, p. 8). He wanted to understand why he was feeling this way. *Id.*

Weatherfur told Plaintiff that he was experiencing post-traumatic stress disorder. (Doc. 1, p. 8). He recommended a counseling referral. *Id.* Plaintiff then met with Ms. Mayer, who worked in mental health, "shortly thereafter." *Id.*

Plaintiff filed emergency grievances with Warden Lashbrooke and others to complain about the delay in medical and mental health treatment. (Doc. 1, pp. 8-10). The grievances were dated January 1st, January 16th, and February 1st. *Id.* The warden did not respond to the grievances in a timely manner. *Id.*

As of the date he filed this action, Plaintiff still suffered from chest and rib pain when sneezing, coughing, or laughing. (Doc. 1, p. 8). His foot has allegedly shown "minimal improvement." *Id.* It often loses feeling or gives him the sensation of being pricked with

needles. *Id.* For some time after the attack, Plaintiff also had trouble speaking fluently, remembering his name, and remembering his prison identification number. (Doc. 1, p. 5).

Plaintiff now claims that the defendants failed to protect him from a known risk of harm, in violation of the Eighth Amendment. (Doc. 1, p. 9). They allegedly denied him adequate medical care for his physical injuries and mental health treatment for his psychological injuries, also in violation of the Eighth Amendment. *Id.* Further, they delayed responses to his grievances, in violation of the Fourteenth Amendment. *Id.*

Plaintiff seeks declaratory judgment and monetary damages. (Doc. 1, p. 10). He also requests preliminary and permanent injunctive relief, in the form of an Order requiring prison officials to continue housing him in a single cell until his discharge from custody and/or to transfer him to another prison due to the defendants' "wanton infliction of mental illness." *Id.*

Discussion

To facilitate the orderly management of future proceedings in this case, and in accordance with the objectives of Federal Rules of Civil Procedure 8(e) and 10(b), the Court deems it appropriate to organize the claims in Plaintiff's *pro se* Complaint (Doc. 1) into the following counts:

- Count 1 -** Eighth Amendment claim against Defendants for failing to protect Plaintiff from a known risk of physical harm by Inmate Wallace on December 27, 2016.
- Count 2 -** Eighth Amendment claim against Defendants for exhibiting deliberate indifference to Plaintiff's medical and mental health needs following the attack by Inmate Wallace on December 27, 2016.
- Count 3 -** Fourteenth Amendment due process claim against Defendants for ignoring or disregarding Plaintiff's grievances regarding the denial of medical and mental health care following the attack on December 27, 2016.
- Count 4 -** Miscellaneous state law claims against Defendants.

As discussed in more detail below, Count 1 survives preliminary review against all of the defendants, except C/O Drabes. Count 2 survives screening against Warden Lashbrooke, C/O Drabes, John Doe 2 (first shift lieutenant), and John Doe 3 (first shift sergeant), but no one else. Counts 3 and 4 do not survive review and shall be dismissed.

Claims Subject to Further Review

Count 1

Prison officials “have a duty . . . to protect prisoners from violence at the hands of other prisoners.” *Farmer v. Brennan*, 511 U.S. 825, 833 (1994) (internal citations omitted); *Pinkston v. Madry*, 440 F.3d 879, 889 (7th Cir. 2006). A plaintiff seeking to bring a failure-to-protect claim against a prison official must show that he was incarcerated under conditions posing a substantial risk of serious harm, and that the defendants acted with “deliberate indifference” to that danger. *Farmer*, 511 U.S. at 834; *Pinkston*, 440 F.3d at 889.

To establish deliberate indifference, the plaintiff must show that prison officials were aware of a specific, impending, and substantial threat to his safety and failed to take action. *Gevas v. McLaughlin*, 798 F.3d 475, 480 (2015); *Pope v. Shafer*, 86 F.3d 90, 92 (7th Cir. 1996). The prison official’s knowledge of the risk must be “actual” and “not merely constructive.” *Gevas*, 798 F.3d at 481. At the same time, a prisoner is not required to present “direct evidence” of the official’s state of mind, which can be shown through circumstantial evidence instead. *Id.*

Generally, a plaintiff proves “actual knowledge of impending harm by showing that he complained to prison officials about a specific threat to his safety.” *Gevas*, 798 F.3d at 481 (*Pope*, 86 F.3d at 92)). Plaintiff makes no such assertion. Rather, Plaintiff alleges that Inmate Wallace complained directly to C/O Spiller and an unknown correctional officer about the fact that he was assigned a cellmate despite his classification as an ESR inmate and his cellmate

restriction. Both individuals said they were doing what they were told and allowed Plaintiff to move into the same cell. Plaintiff did not name C/O Spiller or the unknown correctional officer as a defendant in this action.

He instead named those officials who were allegedly responsible for making inmate placement and movement decisions (*i.e.*, Warden Lashbrooke, C/O Carter, and John Doe 1) and those officials who worked in the area on the date of his relocation (*i.e.*, C/O Bump, John Doe 2, and John Doe 3). When construed liberally, the allegations in the Complaint suggest that these defendants knew about the placement decision and the risk it posed to Plaintiff.

The Court cannot dismiss Count 1 against Warden Lashbrooke, C/O Carter, C/O Bump, John Doe 1, John Doe 2, and John Doe 3, and this claim shall receive further review against all of them. C/O Drabes is not named in connection with the claim, either directly or indirectly. *See Pepper v. Village of Oak Park*, 430 F.3d 809, 810 (7th Cir. 2005) (citations omitted) (“[T]o be liable under [Section] 1983, an individual defendant must have caused or participated in a constitutional deprivation.”). Absent any suggestion that C/O Drabes caused or participated in a constitutional deprivation, Count 1 shall be dismissed without prejudice against him.

Count 2

Prison officials and medical personnel violate the Eighth Amendment when they act with deliberate indifference to an inmate’s serious medical or mental health needs. *Rasho v. Elyea*, -- F.3d --, 2017 WL 892500 (7th Cir. March 7, 2017) (citing *Estelle v. Gamble*, 429 U.S. 97, 104 (1976); *Chatham v. Davis*, 839 F.3d 679, 684 (7th Cir. 2016)). In order to state a claim, a plaintiff must demonstrate that he suffered from a serious medical or mental health need (*i.e.*, objective standard) and the prison official responded with deliberate indifference (*i.e.*, subjective

standard). *Petties v. Carter*, 836 F.3d 722, 727-28 (7th Cir. 2016) (citing *Farmer*, 511 U.S. at 834; *Berry v. Peterman*, 604 F.3d 435, 440 (7th Cir. 2010)).

Plaintiff's physical and mental health problems satisfy the objective component of this claim for screening purposes. As for his physical injuries, Plaintiff describes damage to his ribs, right foot, and head that caused persistent pain, difficulty walking, and other lingering symptoms. As for his mental health needs, Plaintiff describes symptoms that were diagnosed as post-traumatic stress disorder by a mental health professional.

Plaintiff's allegations suggest that C/O Drabes, John Doe 2, John Doe 3, and Warden Lashbrooke responded to Plaintiff's complaints regarding a lack of medical and mental health care with deliberate indifference. Plaintiff complained directly to C/O Drabes about untreated physical and psychological injuries in the days after the attack. C/O Drabes simply told him to "tough it out." (Doc. 1, p. 6). Lieutenant Doe 2 and Sergeant Doe 3 received a note regarding Plaintiff's request for mental health treatment but offered him no assistance because of staffing issues associated with the upcoming holiday. Warden Lashbrooke allegedly received three emergency grievances addressing Plaintiff's complaints about the denial of medical and mental health care and ignored them. *See Perez v. Fenoglio*, 792 F.3d 768, 782 (7th Cir. 2015) (citing *Dixon v. Gonzalez*, 114 F.3d 640, 645 (7th Cir. 1997) ("[P]risoner requests for relief that fall on 'deaf ears' may evidence deliberate indifference.")). Given these allegations of deliberate indifference, Count 2 shall receive further review against C/O Drabes, John Doe 2, John Doe 3, and Warden Lashbrooke.

However, this claim shall be dismissed against all other defendants, including C/O Bump, C/O Carter, and John Doe 1. According to the Complaint, C/O Bump took Plaintiff to the prison's health care unit for treatment immediately after Inmate Wallace attacked him, but told

the health care providers that Plaintiff suffered a seizure. This error amounts to negligence at most, which is not actionable under § 1983. *Pinkston*, 440 F.3d at 889 (discussing *Watts v. Laurent*, 774 F.2d 168, 172 (7th Cir. 1985)). Plaintiff does not mention John Doe 1 or C/O Carter in connection with Count 2, and, for this reason, no claim is stated against either defendant.

In summary, Count 2 shall receive further review against C/O Drabes, John Doe 2, John Doe 3, and Warden Lashbrooke. However, this claim shall be dismissed without prejudice against all other defendants, including C/O Bump, C/O Carter, and John Doe 1.

Claims Subject to Dismissal

Count 3

The fact that the defendants may have ignored or disregarded Plaintiff's grievances gives rise to no independent claim under the Due Process Clause of the Fourteenth Amendment. *See Sanville v. McCaughtry*, 266 F.3d 724, 740 (7th Cir. 2001) (citations omitted). It is well-settled that the mishandling of grievances "by persons who otherwise did not cause or participate in the underlying conduct states no claim." *Owens v. Hinsley*, 635 F.3d 950, 953 (7th Cir. 2011); *Grieverson v. Anderson*, 538 F.3d 763, 772 n. 3 (7th Cir. 2008); *George v. Smith*, 507 F.3d 605, 609 (7th Cir. 2007); *Antonelli v. Sheahan*, 81 F.3d 1422, 1430 (7th Cir. 1996). This is because "a state's inmate grievance procedures do not give rise to a liberty interest protected by the Due Process Clause." *Antonelli*, 81 F.3d at 1430. The Constitution requires no procedure. *Id.* For this reason, the failure of state prison officials to follow their own procedures does not, by itself, violate the Constitution. *Maust v. Headley*, 959 F.2d 644, 648 (7th Cir. 1992); *Shango v. Jurich*, 681 F.2d 1091, 1100-01 (7th Cir. 1982). On this basis, Count 3 shall be dismissed with prejudice against all of the defendants for failure to state a claim upon which relief may be granted.

Count 4

The Complaint also supports no claim under Illinois state law against the defendants.¹ Plaintiff vaguely refers to claims under Illinois state law. (Doc. 1, pp. 1-2). However, he does not explain why. (Doc. 1, pp. 1-10). Plaintiff's state law claims, like his federal claims, must cross "the line between possibility and plausibility." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 557 (2007). To cross this threshold, Plaintiff cannot rely on "conclusory legal statements." *Brooks v. Ross*, 578 F.3d 574, 581 (7th Cir. 2009). He also cannot rely of vague assertions of a general "breach of statutory duty." (Doc. 1, p. 1). More is required to articulate a claim under *Twombly* and *Iqbal*, even in an action brought by a *pro se* plaintiff. Count 4 shall be dismissed without prejudice for failure to state a claim upon which relief may be granted.

Claims Against Non-Parties

Plaintiff referred to a number of individuals in the Complaint who are not named as defendants in the case caption, including C/O Spiller, Jacob Weatherfur, Ms. Mayer, a prison doctor, and several unidentified officers, among others. (Doc. 1, pp. 1-10). This Court will not treat individuals who are not included in the caption of the Complaint as defendants, and any claims against them should be considered dismissed without prejudice. *See* FED. R. CIV. P. 10(a) (title of the Complaint "must name all the parties"); *Myles v. United States*, 416 F.3d 551, 551-52 (7th Cir. 2005) (holding that to be properly considered a party, a defendant must be "specif[ie]d in the caption"). Any claim that Plaintiff intended to bring against an individual who is not named as a defendant is considered dismissed without prejudice from this action.

¹ Where a district court has original jurisdiction over a § 1983 claim, as here, it also has supplemental jurisdiction over related state law claims pursuant to 28 U.S.C. § 1367(a), so long as the state claims "derive from a common nucleus of operative fact" with the original federal claims. *Wisconsin v. Ho-Chunk Nation*, 512 F.3d 921, 936 (7th Cir. 2008). With that said, Plaintiff is still required to develop a factual basis for said claims, which he has failed to do in the Complaint.

Identification of Unknown Defendants

Although Plaintiff shall be allowed to proceed with Counts 1 and/or 2 against John Doe 1 (placement officer), John Doe 2 (first shift lieutenant), and John Doe 3 (first shift sergeant), these individuals must be identified with particularity before service of the Complaint can be made on them. Where a prisoner's complaint states specific allegations describing conduct of individual prison staff members sufficient to raise a constitutional claim, but the names of those defendants are not known, the prisoner should have the opportunity to engage in limited discovery to ascertain the identity of those defendants. *Rodriguez v. Plymouth Ambulance Serv.*, 577 F.3d 816, 832 (7th Cir. 2009). Jackie Lashbrooke, the Warden of Menard Correctional Center, is already named as a defendant in this action, and this defendant shall respond to discovery aimed at identifying these unknown defendants.² Guidelines for discovery will be set by the United States Magistrate Judge. Once the names of the unknown defendants are discovered, Plaintiff shall file a Motion for Substitution of each newly identified defendant in place of the generic designations in the case caption and throughout the Complaint.

Pending Motion

Although Plaintiff did not file a separate Motion for Preliminary Injunction Pursuant to Rule 65 of the Federal Rules of Civil Procedure, he has requested this relief in the Complaint (Doc. 1, p. 10). He specifically seeks a preliminary injunction, in the form of an Order requiring him to remain in single-cell placement until his discharge from custody and/or a prison transfer "due to the wanton infliction of mental illness" by the defendants. *Id.* This Motion for Preliminary Injunction (Doc. 2) has been separately docketed in CM/ECF and shall be

² The prison warden would also be responsible for carrying out any injunctive relief that is ultimately ordered. *See, e.g., Gonzalez v. Feinerman*, 663 F.3d 311, 315 (7th Cir. 2011) (warden of state prison appropriate defendant in action seeking injunctive relief because the warden is responsible for ensuring the any injunctive relief ordered by the court is carried out).

REFERRED to a United States Magistrate Judge for further consideration. If Plaintiff seeks any other form of additional relief, such as medical care or mental health treatment, he must file an Amended Motion for Preliminary Injunction indicating the exact form of relief he seeks and the basis for his request.

Disposition

IT IS HEREBY ORDERED that **COUNT 1** is subject to further review against Defendants **JACKIE LASHBROOKE, C/O CARTER, C/O BUMP, JOHN DOE 1 (placement officer), JOHN DOE 2 (first shift lieutenant), and JOHN DOE 3 (first shift sergeant)**. However, this claim is **DISMISSED** without prejudice against Defendant **C/O DRABES** for failure to state a claim upon which relief may be granted.

IT IS ORDERED that **COUNT 2** is subject to further review against Defendants **JACKIE LASHBROOKE, C/O DRABES, JOHN DOE 2 (first shift lieutenant), and JOHN DOE 3 (first shift sergeant)**. However, this claim is **DISMISSED** without prejudice against Defendants **C/O CARTER, C/O BUMP, and JOHN DOE 1 (placement officer)** for failure to state a claim upon which relief may be granted.

IT IS ORDERED that **COUNT 3** is **DISMISSED** with prejudice for failure to state a claim upon which relief may be granted.

IT IS ORDERED that **COUNT 4** is **DISMISSED** without prejudice for failure to state a claim.

With regard to **COUNTS 1 and 2**, the Clerk shall prepare for Defendants **WARDEN JACKIE LASHBROOKE, C/O CARTER, C/O BUMP, C/O DRABES**, and, once identified, **JOHN DOE 1 (placement officer), JOHN DOE 2 (first shift lieutenant), and JOHN DOE 3 (first shift sergeant)**: (1) Form 5 (Notice of a Lawsuit and Request to Waive Service of a

Summons), and (2) Form 6 (Waiver of Service of Summons). The Clerk is **DIRECTED** to mail these forms, a copy of the Complaint (Doc. 1), and this Memorandum and Order to each Defendant's place of employment as identified by Plaintiff. If a Defendant fails to sign and return the Waiver of Service of Summons (Form 6) to the Clerk within 30 days from the date the forms were sent, the Clerk shall take appropriate steps to effect formal service on that Defendant, and the Court will require that Defendant to pay the full costs of formal service, to the extent authorized by the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that service shall not be made on Defendants **JOHN DOE ##1-3** until such time as Plaintiff has identified each defendant by name in a properly filed Motion for Substitution. Plaintiff is **ADVISED** that it is his responsibility to provide the Court with the names and service addresses for these individuals.

With respect to a Defendant who no longer can be found at the work address provided by Plaintiff, the employer shall furnish the Clerk with the Defendant's current work address, or, if not known, the Defendant's last-known address. This information shall be used only for sending the forms as directed above or for formally effecting service. Any documentation of the address shall be retained only by the Clerk. Address information shall not be maintained in the court file or disclosed by the Clerk.

Plaintiff shall serve upon Defendants (or upon defense counsel once an appearance is entered), a copy of every pleading or other document submitted for consideration by the Court. Plaintiff shall include with the original paper to be filed a certificate stating the date on which a true and correct copy of the document was served on Defendants or counsel. Any paper received by a district judge or magistrate judge that has not been filed with the Clerk or that fails to include a certificate of service will be disregarded by the Court.

Defendants are **ORDERED** to timely file an appropriate responsive pleading to the Complaint (Doc. 1) and shall not waive filing a reply pursuant to 42 U.S.C. § 1997e(g).

Pursuant to Local Rule 72.1(a)(2), this action is **REFERRED** to United States Magistrate Judge **Stephen C. Williams** for further pre-trial proceedings, including a plan for discovery aimed at identifying John Doe ##1-3 and consideration of Plaintiff's request in the Complaint (Doc. 1) for a preliminary injunction (Doc. 1, p. 10), pursuant to Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *if all parties consent to such a referral*.

Further, this entire matter shall be **REFERRED** to United States Magistrate Judge **Williams** for disposition, pursuant to Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *if all parties consent to such a referral*.

If judgment is rendered against Plaintiff, and the judgment includes the payment of costs under § 1915, Plaintiff will be required to pay the full amount of the costs, regardless of the fact that his application to proceed *in forma pauperis* was granted. *See* 28 U.S.C. § 1915(f)(2)(A).

Plaintiff is **ADVISED** that at the time application was made under 28 U.S.C. § 1915 for leave to commence this civil action without being required to prepay fees and costs or give security for the same, the applicant and his or her attorney were deemed to have entered into a stipulation that the recovery, if any, secured in the action shall be paid to the Clerk of the Court, who shall pay therefrom all unpaid costs taxed against plaintiff and remit the balance to plaintiff. Local Rule 3.1(c)(1).

Finally, Plaintiff is **ADVISED** that he is under a continuing obligation to keep the Clerk of Court and each opposing party informed of any change in his address; the Court will not independently investigate his whereabouts. This shall be done in writing and not later than **7 days** after a transfer or other change in address occurs. Failure to comply with this order will

cause a delay in the transmission of court documents and may result in dismissal of this action for want of prosecution. *See* FED. R. CIV. P. 41(b).

IT IS SO ORDERED.

DATED: April 4, 2017

s/ MICHAEL J. REAGAN
Chief Judge
United States District Court