

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

GREGORY TONY CLARK,

Plaintiff,

v.

CAUSE NO. 3:20-CV-866-JD-MGG

MIAMI CORRECTIONAL FACILITY,

Defendant.

OPINION AND ORDER

Gregory Tony Clark, a prisoner without a lawyer, filed a lawsuit regarding the conditions at the Miami Correctional Facility. "A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quotation marks and citations omitted). Nevertheless, pursuant to 28 U.S.C. § 1915A, the court must review the merits of a prisoner complaint and dismiss it if the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief.

Clark's complaint names only one defendant: the Miami Correctional Facility. He cannot sue the facility itself. It is a building, not a suable entity. *Smith v. Knox County Jail*, 666 F.3d 1037, 1040 (7th Cir. 2012).

While Clark's current complaint does not state a claim, he will nonetheless be granted an opportunity to amend his complaint. See *Luevano v. Wal-Mart*, 722 F.3d 1014 (7th Cir. 2013). If Clark decides to file an amended complaint, he should explain in his

own words what happened, when it happened, where it happened, who was involved, and how he was personally injured by the events that transpired, providing as much detail as possible.

Finally, Clark seeks leave to proceed in forma pauperis (ECF 2), but did not submit his inmate trust fund ledgers for the past six months as required by 28 U.S.C. § 1915(a)(2). Without the ledgers, the court cannot determine what amount, if any, must be assessed as an initial partial filing fee. 28 U.S.C. § 1915(b)(1). Accordingly, his motion will be denied without prejudice, and he will be given an opportunity to resubmit his motion with the ledgers.

For these reasons, the court:

- (1) DENIES the motion for leave to proceed in forma pauperis without prejudice (ECF 2);
- (2) DIRECTS the clerk to put this case number on a blank Prisoner Complaint form Pro Se 14 (INND Rev. 2/20) and blank AO-240 (Rev. 7/10) (INND Rev. 8/16) Prisoner Motion to Proceed In Forma Pauperis form and send them to Gregory Tony Clark;
- (3) GRANTS Gregory Tony Clark until **November 16, 2020**, to either pay the filing fee or file an in forma pauperis motion accompanied by his trust fund ledgers for the past six months;
- (4) GRANTS Gregory Tony Clark until **November 16, 2020**, to file an amended complaint; and

(5) CAUTIONS Gregory Tony Clark that, if he does not respond by the deadline, his case will be dismissed pursuant to 28 U.S.C. § 1915A because the current complaint does not state a claim for which relief can be granted, and he will not be relieved of the obligation to pay the filing fee in installments over time.

SO ORDERED on October 16, 2020

/s/JON E. DEGUILIO
CHIEF JUDGE
UNITED STATES DISTRICT COURT