

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

CHAD L. RICHARDS,

Plaintiff,

v.

WRIGHT,

Defendant.

CAUSE NO. 3:22-CV-245-RLM-MGG

OPINION AND ORDER

Chad L. Richards, a prisoner without a lawyer, filed a complaint. 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. 28 U.S.C. § 1915A. “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).

Mr. Richards alleges that, on February 3, 2022, an inmate threatened to harm him if he didn’t make weekly payments. Mr. Richards had a previous altercation with the same inmate, who is a gang member. Mr. Richards shared this information with Officer Wright, who refused to take any action, leaving Mr. Richards in danger. Mr. Richards seeks punitive damages and damages for mental anguish.

Mere fear of an attack that doesn’t occur does not state a claim for monetary damages. *See Doe v. Welborn*, 110 F.3d 520, 523–524 (7th Cir. 1997) (“An allegation

that prison officials exposed a prisoner to a risk of violence at the hands of other inmates does not implicate the Eighth Amendment’s Cruel and Unusual Punishments Clause.” (internal quotation marks and citation omitted)).

This complaint doesn’t state a claim for which relief can be granted. Nevertheless, Mr. Richards may file an amended complaint if he thinks he can state a claim based on (and consistent with) the events described in this complaint because “[t]he usual standard in civil cases is to allow defective pleadings to be corrected, especially in early stages, at least where amendment would not be futile.” Abu-Shawish v. United States, 898 F.3d 726, 738 (7th Cir. 2018). To file an amended complaint, he needs to write this cause number on a **Pro Se 14 (INND Rev. 2/20) Prisoner Complaint** form which is available from his law library. After he properly completes that form addressing the issues raised in this order, he needs to send it to the court.

For these reasons, the court:

(1) GRANTS Chad L. Richards until **July 1, 2022**, to file an amended complaint; and

(2) CAUTIONS Chad L. Richards if he does not respond by July 1, this case will be dismissed under 28 U.S.C. § 1915A without further notice because the current complaint does not state a claim for which relief can be granted.

SO ORDERED on June 2, 2022

s/ Robert L. Miller, Jr. \_\_\_\_\_  
JUDGE  
UNITED STATES DISTRICT COURT