

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JAMES C. SILCOX,

Plaintiff,

v.

WILLIAM HYIATT *et al.*,

Defendants.

CAUSE NO. 3:22-CV-468-DRL-MGG

OPINION AND ORDER

James C. Silcox, a prisoner without a lawyer, filed an amended complaint after he was told that his original complaint was too vague. ECF 15. “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). Under 28 U.S.C. § 1915A, the court still 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 an immune defendant.

Mr. Silcox’s original complaint alleged that the defendants failed to use the “wet floor” sign, in violation of the prison’s policy, and this led to an unspecified injury at an unspecified time and location. His amended complaint clarifies that the incident occurred on May 23, 2020.

Suits filed under 42 U.S.C. § 1983 borrow the statute of limitations for state personal injury claims, which in Indiana is two years. *Richards v. Mitcheff*, 696 F.3d 635,

637 (7th Cir. 2012). The date on which the claim accrues, and the limitations period starts running, is the date when a plaintiff knows the fact and the cause of an injury. *O’Gorman v. City of Chicago*, 777 F.3d 885, 889 (7th Cir. 2015). This claim accrued on May 23, 2020, and Mr. Silcox did not initiate this lawsuit until June 16, 2022. ECF 1 at 7. That was too late to pursue his claim because it was more than two years after the claim accrued.

Accordingly, the court DISMISSES this case under 28 U.S.C. § 1915A.

SO ORDERED.

September 23, 2022

s/ Damon R. Leichty
Judge, United States District Court