

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

DANIEL ALLEN,

Plaintiff,

v.

WEXFORD OF INDIANA, LLC, et al.,

Defendants.

CAUSE NO. 3:23-CV-47-JD-MGG

OPINION AND ORDER

Daniel Allen, a prisoner without a lawyer, filed an amended complaint. ECF 27.

“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, under 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.

Allen’s amended complaint is, in all material respects,¹ identical to his original complaint, except that he has now provided the names of defendants that were previously identified as John Doe #1 and John Doe #2. Because the amendment does not alter the analysis of Allen’s claims, there is no need to conduct the same analysis a

¹ There are minor differences in phrasing and minor additions, but none alter the claims upon which Allen may proceed.

second time.² Allen has not yet obtained the names of John Doe #3 and John Doe #4. The Warden of the Miami Correctional Facility in his official capacity was previously added as a defendant only for the purpose of identifying the unknown officers, but he indicated that he was unable to identify John Doe #3 and John Doe #4. ECF 26. Allen indicates in his amended complaint that he plans to conduct discovery in hopes of learning their identity. He may file a motion to amend his complaint if he obtains their names.

For these reasons, the court:

(1) GRANTS Daniel Allen leave to proceed against Case Worker Steven Price; Case Worker Ryan Carter; John Doe #3; and John Doe #4 in their individual capacities for compensatory and punitive damages for deliberate indifference to his safety in May 2021, resulting in attacks by other inmates on May 28, 2021, in violation of the Eighth Amendment;

(2) GRANTS Daniel Allen leave to proceed against LPN James R. Cattin, Kimberly Myers, APN, Pamela G. Cool, RN, and Noe Marandet, M.D., in their individual capacities for compensatory and punitive damages for deliberate indifference to his serious physical injuries following an attack by another inmate, in violation of the Eighth Amendment;

(3) GRANTS Daniel Allen leave to proceed against Wexford of Indiana, LLC, for compensatory and punitive damages for having a policy of encouraging its staff to deny

² The court's November 7, 2023, screening order can be found at docket entry number 9.

necessary but costly medical care at the end of its contract with the IDOC, resulting in delayed emergency medical treatment for the serious physical injuries Allen sustained following an attack by another inmate, in violation of the Eighth Amendment;

(4) DISMISSES all other claims;

(5) DISMISSES LPN Shalana Seifert;

(6) DIRECTS the clerk, under 28 U.S.C. § 1915(d), to request Waiver of Service from (and if necessary, the United States Marshals Service to use any lawful means to locate and serve process on) Case Worker Steven Price; Case Worker Ryan Carter, with a copy of this order and the amended complaint (ECF 27);

(7) ORDERS the Indiana Department of Correction to provide the full name, date of birth, and last known home address of any defendant who does not waive service if it has such information; and

(8) ORDERS, under 42 U.S.C. § 1997e(g)(2), Case Worker Steven Price; Case Worker Ryan Carter; LPN James R. Cattin, Kimberly Myers, APN, Pamela G. Cool, RN, Noe Marandet, M.D., and Wexford of Indiana, LLC, to respond, as provided for in the Federal Rules of Civil Procedure and N.D. Ind. L.R. 10-1(b), only to the claims for which the plaintiff has been granted leave to proceed in this screening order.

SO ORDERED on April 1, 2024

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