

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

KENNETH L. WHATLEY, SR.,)	
)	
Plaintiff,)	
vs.)	1:07-cv-1225-DFH-JMS
)	
PLAINFIELD CORRECTIONAL FACILITY,)	
et al.,)	
)	
Defendants.)	

Entry Dismissing Insufficient Claim and Directing Service of Process

I.

The second amended complaint is subject to the screening requirement of 28 U.S.C. § 1915A(b). This statute directs that the court dismiss a complaint or any claim within a complaint which "(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief." *Id.*

The claim against the Plainfield Correctional Facility ("PCF") is dismissed because the PCF is a building, not a "person" subject to suit pursuant to 42 U.S.C. § 1983. No partial final judgment shall issue at this time as to the claim dismissed as legally insufficient.

II.

The clerk shall **update the docket** to show that the defendants remaining in this action are Superintendent Wendy Knight, Chardonney Dialysis, Inc., Dr. Mishler, and Nurse Sandy Dodson. The clerk is designated, pursuant to *Fed. R. Civ. P.* 4(c)(2), to issue and serve process on the defendants in the manner specified by *Fed. R. Civ. P.* 4(d)(2). Process in this case shall consist of the second amended complaint filed on February 25, 2008 (dkt 17), applicable forms (1A and 1B), and this Entry.

So ordered.



DAVID F. HAMILTON, Chief Judge
United States District Court

Date: 9/3/2008

NOTE TO CLERK: PROCESSING THIS DOCUMENT REQUIRES ACTIONS OTHER THAN DOCKETING AND DISTRIBUTION.

Distribution:

Kenneth L. Whatley, Sr., DOC #962809
PLAINFIELD CORRECTIONAL FACILITY
727 MOON ROAD
PLAINFIELD, IN 46168