

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

DANA ALFREDS,)	
)	
Plaintiff,)	
)	
vs.)	1:11-cv-1274-JMS-MJD
)	
SOCIAL SECURITY ADMINISTRATION)	
& EMPLOYEES,)	
Defendants.)	

Entry Directing Further Proceedings

I.

The bundle of documents received from the plaintiff on September 30, 2011, is unintelligible and shall be returned to the plaintiff unfiled.

II.

Pursuant to 28 U.S.C. 1915(e)(2)(B), a court shall dismiss a case in which the plaintiff has been permitted to proceed *in forma pauperis* at any time if the court determines that the action fails to state a claim on which relief may be granted. A complaint must always . . . allege enough facts to state a claim to relief that is plausible on its face.= *Limestone Development Corp. v. Village of Lemont, Ill.*, 520 F.3d 797, 803 (7th Cir. 2008) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009)).

The complaint in this action is brought pursuant to the Federal Tort Claims Act ("FTCA"), which "permits claims based upon misconduct which is tortious under state law. 28 U.S.C. §§ 1346(6), 2680." *Sisk v. United States*, 756 F.2d 497, 500 n.4 (7th Cir. 1985). The complaint, however, fails to state a plausible claim for relief pursuant to the FTCA because it is so prolix as to fail to convey any meaning. Additionally, the only proper defendant in an action pursuant to the FTCA is the United States itself, *Hughes*

v. United States, 701 F.2d 56, 58 (7th Cir. 1982), and the United States is not among the defendants in this case. *Myles v. United States*, 416 F.3d 551, 552 (7th Cir. 2005)(noting that the composition and content of the amended complaint are entirely the responsibility of the plaintiff, for “even pro se litigants are masters of their own complaints and may choose who to sue-or not to sue”). To make someone a party the plaintiff must specify him in the caption and arrange for service of process; the court cannot add litigants on its own motion. *See id.*, at 551. The United States is not a party to this case. *See United States ex rel Eisenstein v. City of New York*, 129 S. Ct. 2230, 2234 (2009)(a “party” is “[o]ne by or against whom a lawsuit is brought”)(citing Black’s Law Dictionary 1154 (8th ed. 2004)). No claim under the FTCA can be asserted against those who are named as defendants.

III.

Based on the foregoing, the complaint is dismissed. However, no judgment shall issue at this time. Instead, the plaintiff shall have **through October 24, 2011**, in which to file an amended complaint which has sufficient factual content to state a plausible claim for relief pursuant to the FTCA or on any other or additional legal basis which is warranted.

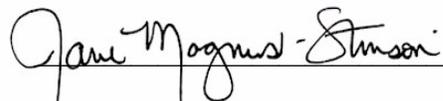
In filing an amended complaint, the plaintiff shall conform to the following guidelines: (a) the amended complaint shall comply with the requirement of Rule 8(a)(2) of the *Federal Rules of Civil Procedure* that pleadings contain “a short and plain statement of the claim showing that the pleader is entitled to relief. . . .,” (b) the amended complaint shall comply with the requirement of Rule 10 that the allegations in a complaint be made in numbered paragraphs, each of which should recite, as far as practicable, only a single set of circumstances, (c) the amended complaint must identify what legal injury he claims to have suffered and what persons are responsible for each such legal injury, and (d) the amended complaint shall contain a clear statement of the relief which is sought.

Proceedings other than as specified above are **stayed** until the amended complaint is filed or until the deadline for the filing of an amended complaint has passed.

If an amended complaint is filed the court will issue whatever order is warranted. If no amended complaint is filed as directed, the action will be dismissed without further notice.

IT IS SO ORDERED.

Date: 10/03/2011



Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

Dana B. Alfreds
6389 River Valley Way
Indianapolis, IN 46221