

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

JACOB MENDEZ,)	
)	
Plaintiff,)	
vs.)	No. 1:12-cv-001863-JMS-MJD
)	
JACKSON COUNTY JAIL, et al.,)	
)	
Defendants.)	

**Entry Dismissing Insufficient Claims
and Directing Further Proceedings**

I.

Jacob Mendez was attacked while a pretrial detainee at the Jackson County Jail. Mendez, now a prisoner elsewhere, filed this civil action claiming that the defendants failed to protect him from attack by another inmate and denied or delayed medical care following the attack in violation of his Fourteenth Amendment rights.¹ His claims are brought pursuant to 42 U.S.C. § 1983.

The complaint is subject to the screening requirement of 28 U.S.C. § 1915A(b). Pursuant to this statute, "[a] complaint is subject to dismissal for failure to state a claim if the allegations, taken as true, show that plaintiff is not entitled to relief." *Jones v. Bock*, 127 S. Ct. 910, 921 (2007). Consistent with this statute certain claims must be dismissed.

- **First, claims against the unknown jail officials are dismissed** because it is pointless to include [an] anonymous defendant[] in federal court; this type of placeholder does not open the door to relation back under *Fed.R.Civ.P.* 15, nor can it otherwise help the plaintiff. *Wudtke v. Davel*, 128 F.3d 1057, 1060 (7th Cir. 1997) (internal citations omitted).

¹ Because Mendez was a pretrial detainee at the time of the attack, it is the due process clause of the Fourteenth Amendment rather than the Eighth Amendment's proscription against cruel and unusual punishment which is the source of the right implicated in the complaint. *Estate of Miller, ex rel. Bertram v. Tobiasz*, 680 F.3d 984, 989 (7th Cir. 2012) (citing *Bell v. Wolfish*, 441 U.S. 520, 535–37 (1979)).

- Second, claims against the **Jackson County Jail are dismissed** as legally insufficient because the Jail is not a person subject to suit pursuant to 42 U.S.C. 1983.

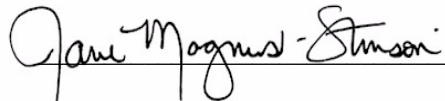
No final judgment shall issue at this time as to the claims dismissed in this Entry.

II.

The clerk is designated to issue process on the defendants Marc A. Lahrman and Charlie Murphy in the manner specified by *Fed. R. Civ. P. 4(d)(1)*. Process shall consist of the complaint, applicable forms and this Entry.

IT IS SO ORDERED.

Date: 02/19/2013



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

Distribution:

Marc A. Lahrman, Jackson County Sheriff
150 E. State Road 250
Brownstown, IN 47220

Charlie Murphy, Jackson County Jail Commander
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