

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

SHAUN STEELE,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:13-cv-982-JMS-DKL
)	
WENDY KNIGHT Superintendent,)	
)	
Defendant.)	

Entry Directing Further Proceedings

Shaun Steele, an inmate at the Correctional Industrial Facility, filed a complaint in the Madison Circuit Court that was signed on April 15, 2013. The claims asserted in the complaint were misjoined and in the Entry of June 28, 2013, various claims were severed. The claim remaining in this action is Claim 1, alleging unconstitutional conditions of confinement including the denial of access to a toilet for extended periods of time, having to defecate and urinate in his cell, excessive heat, lack of fresh air, denial of drinking water, and lack of adequate space in his cell. The defendant is Superintendent Wendy Knight. He seeks compensatory and injunctive relief.

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).

I.

The complaint alleges that the plaintiff is confined in a cell that has no toilet or running water. He must push a button each time he needs to use the restroom or get a drink of water, and

that access is left at the discretion of individual officers. He alleges one occasion when he was denied access to a toilet and drinking water for more than eight hours, when the cell was excessively hot, around 92 degrees. He alleges he does not have a fan in his cell. He alleges that extensive periods of time have gone by before being allowed to use the restroom, and he has been forced to use containers such as bags or bottles in his cell. He alleges that Superintendent Knight ordered that trash cans be removed from cells, so he can no longer even use that receptacle when he is not let out of his cell in time to use the restroom. He alleges he should not have to be subjected to the odors in his cell while eating or resting. He further alleges that he is forced to share a one-man cell with another prisoner. He seeks an injunction to allow him to use the restroom or get water when needed without being at the mercy of correctional officers. This action shall proceed as to Count 1 against Superintendent Wendy Knight.

II.

The defendant shall have **through September 30, 2013**, in which to answer or otherwise respond to the complaint.

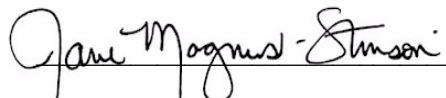
IT IS SO ORDERED.

Date: 09/10/2013

Distribution:

All electronically registered counsel

Shaun L. Steele, DOC # 994225, Correctional Industrial Facility, 5124 West Reformatory Road
Pendleton, IN 46064



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

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