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

TRACY L. LAWRENCE,	)
Plaintiff,	)
vs.	) Case No. 1:13-cv-01250-SEB-DML
RON RICHARDSON Madison County Sheriff, SHELLY Madison County Jail Nurse, TYLER JUGG Madison County Jail Officer, R. PERKINS Madison County Jail Officer, JOHN DOES, JANE DOES,	) ) ) ) )
Defendants.	)

## **Entry Discussing Complaint and Directing Further Proceedings**

I.

The plaintiff=s motion to proceed *in forma pauperis* [dkt. no. 3] is **granted.** The plaintiff is assessed an initial partial filing fee of Two Dollars and Zero Cents (\$2.00). He shall have **through September 10, 2013,** in which to pay this sum to the clerk of the district court.

II.

The complaint is now 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.* Claims against defendants identified only as "John Does" and "Jane Does" are dismissed for failure to state a claim upon which relief may be granted. The inclusion of unknown or unidentified individuals as defendants is problematic 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). See also, e.g., Doe v. Blue Cross & Blue

Shield United of Wisconsin, 112 F.3d 869, 872 (7th Cir. 1997) ("The use of fictitious names is

disfavored, and the judge has an independent duty to determine whether exceptional

circumstances justify such a departure from the normal method of proceeding in federal

courts."); K.F.P. v. Dane County, 110 F.3d 516, 519 (7th Cir. 1997) ("The use of fictitious

names for parties, a practice generally frowned upon, is left within the discretion of the district

court.")(internal citations omitted).

III.

The motion for summonses to be served by the U.S. Marshal [dkt. no. 4] is denied as

unnecessary. To avoid unnecessary expenses, it is this Court's longstanding process to request

that defendants waive service of a summons, see Fed. R. Civ. P. 4(d). Accordingly, the clerk is

designated, pursuant to Fed. R. Civ. P. 4(c)(3), to issue and serve process on the defendants 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:

08/19/2013

Pardy Evers Barker

SARAH EVANS BARKER, JUDGE United States District Court Southern District of Indiana

## Distribution:

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