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

CHARLES MACK T	AYLOR,	)
	Plaintiff,	)
vs.		) No. 1:15-cv-00874-TWP-TAB
HURST c/o, WRIGHT c/o, BIAS c/o, STONE c/o, ALTMAN c/o, LETSTER c/o,		) ) ) ) ) ) )
	Defendants	)

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

I.

The plaintiff's renewed motion to proceed *in forma pauperis* [dkt 15] is **denied** a moot because the plaintiff has already been granted leave to proceed in that fashion.

II.

The plaintiff's amended complaint [dkt 16] is treated as a motion to amend the complaint and, as so treated, is **granted**. The amended complaint is now 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*, 549 U.S. 199, 215 (2007). In determining whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Lagerstrom v. Kingston*, 463 F.3d 621, 624 (7th Cir. 2006).

Based on the foregoing screening, certain claims will be dismissed while others shall

proceed. First, any claim against Superintendent Keith Butts must be dismissed. To the extent

Superintendent Butts is included as a defendant because of his supervisory position, this position

alone is not adequate to support the imposition of liability. See West v. Waymire, 114 F.3d 646,

649 (7th Cir. 1997)("the doctrine of respondeat superior is not available to a plaintiff in a section

1983 suit"). Further, this defendant is not mentioned in the body of the complaint. *Potter v. Clark*,

497 F.2d 1206, 1207 (7th Cir. 1974)("Where a complaint alleges no specific act or conduct on the

part of the defendant and the complaint is silent as to the defendant except for his name appearing

in the caption, the complaint is properly dismissed.").

The plaintiff's claims against officers Altman, Stone, Hurst, Wright, Lester, and Bias that

for entering Mr. Taylor's cell and assaulting him **shall proceed** as a claim that these defendants

exercised excessive force against Mr. Taylor in violation of the Eighth Amendment.

The clerk shall add defendants Officers Altman, Stone, and Lester to the docket.

Defendants Hurst, Wright, and Bias have already appeared and will have through October 30,

**2015**, in which to file an answer to the amended complaint.

The clerk is designated pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to defendants

Altman, Stone, and Lester in the manner specified by Rule 4(d). Process shall consist of the

amended complaint [dkt. 16] applicable forms (Notice of Lawsuit and Request for Waiver of

Service of Summons and Waiver of Service of Summons), and this Entry.

IT IS SO ORDERED.

Date: 10/6/2015

TANYA WALTON PRATT, JUDGE

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United States District Court

Southern District of Indiana

Note to Clerk: Processing this document requires actions in addition to docketing and distribution.

## Distribution:

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