

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

KEVIN MEYERS,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:16-cv-03492-TWP-TAB
)	
GEO MENTAL HEALTH NCF/NCP,)	
OFFICER TUTT,)	
)	
Defendants.)	

**Entry Discussing Motion to Proceed *In Forma Pauperis*, Discussing Complaint,
and Directing Service of Process**

I. In Forma Pauperis

The plaintiff's motion to proceed *in forma pauperis* [dkt. 2] is **denied without prejudice** because he failed to submit a certified copy of his trust fund account statement (or institutional equivalent) for the 6-month period immediately preceding the filing of his complaint on December 28, 2016, as required by 28 U.S.C. § 1915(a)(2). He shall have **through January 31, 2017**, in which to either pay the \$400.00 filing fee or renew his request for *in forma pauperis* status with the required information.

II. Screening Complaint

Plaintiff Kevin Meyers, an inmate at the New Castle Correctional Facility, brings this action pursuant to 42 U.S.C. § 1983 alleging that in August 2016, defendant Officer Tutt used excessive force against him while he was strapped down, causing a cracked tooth and infection. Mr. Meyers seeks compensatory damages.

Because Mr. Meyers is a "prisoner" as defined by 28 U.S.C. § 1915(h), the complaint is subject to the screening requirement of 28 U.S.C. § 1915A(b). Pursuant to this statute, the Court

must dismiss a complaint if it is frivolous, malicious, or fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief. *Id.*

The excessive force claim against Officer Tutt is construed as a claim brought under the Eighth Amendment to the Constitution. This claim **shall proceed**.

The complaint lists as a second defendant NCF/NCP GEO Mental Health. There are no allegations asserted against this defendant, nor is it a suable entity. Therefore, any claim brought against GEO Mental Health is **dismissed for failure to state a claim upon which relief can be granted**.

No partial final judgment shall issue regarding the claim dismissed in this Entry.

III. Service of Process

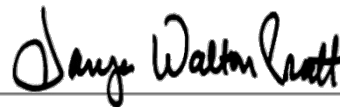
The clerk is designated pursuant to *Fed. R. Civ. P.* 4(c) to issue process to Officer Tutt in the manner specified by Rule 4(d). Process shall consist of the complaint filed on December 28, 2016 (docket 1), applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry.

The plaintiff shall report any change of address within seven (7) days.

The clerk shall **update the docket** to reflect the **dismissal** of the claim against GEO Mental Health.

IT IS SO ORDERED.

Date: 12/30/2016



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

NOTE TO CLERK: PROCESSING THIS DOCUMENT REQUIRES ACTIONS IN ADDITION TO DOCKETING AND DISTRIBUTION.

Distribution:

KEVIN MEYERS

145712

NEW CASTLE CORRECTIONAL FACILITY - Inmate Mail/Parcels

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NEW CASTLE, IN 47362

Officer Tutt

c/o NEW CASTLE CORRECTIONAL FACILITY

1000 Van Nuys Road

NEW CASTLE, IN 47362