

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JAMIE TRUSLEY,

Plaintiffs,

vs.

STATE OF INDIANA,
MARION COUNTY JAIL II,
CORRECTIONS CORPORATIONS OF
AMERICA (C.C.A.) also known as Core
Civic,

Defendants.

No. 1:17-cv-00286-TWP-MPB

Entry Discussing Complaint and Directing Further Proceedings

Plaintiff Jamie Trusley was confined at the Marion County Jail II between about January 13, 2017, through January 26, 2017. He brings this action pursuant to 42 U.S.C. § 1983 alleging that his rights were violated during this time. His initial complaint was dismissed for failure to state a claim upon which relief can be granted and he has filed an amended complaint.

Like the initial complaint, the amended complaint is subject to screening and dismissal if is (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief. In the amended complaint, Trusley alleges that while he was at the Jail, he was “mentally and fiscally abused and assaulted . . . forced to live in unacceptable living standards . . . denied hygiene products, clothes, and proper mental[] treatment . . . and denied all his inalienable rights.” He also states that “he was forced to take a plea” due to fear for his life.

The Amended Complaint still fails to state a claim upon which relief can be granted. To survive a motion to dismiss for failure to state a claim, the amended complaint “must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. . . . A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009) (quotations omitted). The general allegations described above do not provide sufficient factual matter to allow the Court to find that Trusley would be entitled to relief on these claims. In other words, the allegations are insufficient to provide the defendant with “fair notice” of the claims and their basis. *Erickson v. Pardus*, 551 U.S. 89, 93 (2007) (per curiam) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) and quoting Fed. R. Civ. P. 8(a)(2)). In addition, Trusley names Corrections Corporation of America as the only defendant in the amended complaint. But a private corporation is not vicariously liable under 42 U.S.C. § 1983 for the alleged misdeeds of its employees unless the injury alleged is the result of a policy or practice. *Rodriguez v. Plymouth Ambulance Serv.*, 577 F.3d 816 (7th Cir. 2009). No allegation of that nature is present in the amended complaint.

Trusley will have one final opportunity to file a viable complaint. Trusley is reminded of the following guidelines: (a) the second amended complaint shall comply with the requirement of Rule 8(a)(2) of the *Federal Rules of Civil Procedure* that pleadings contain “a short and plain statement of the claim showing that the pleader is entitled to relief. . . .,” which is sufficient to provide the defendant with “fair notice” of the claim and its basis. *Erickson v. Pardus*, 551 U.S. 89, 93 (2007) (per curiam) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) and quoting Fed. R. Civ. P. 8(a)(2)); (b) the second amended complaint must include a demand for the relief sought; (c) the second amended complaint must identify what legal injury he claims to

have suffered and what persons are responsible for each such legal injury; and (d) the second amended complaint must include the case number referenced in the caption of this Entry. Trusley is further notified that “[u]nrelated claims against different defendants belong in different suits.” *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007).

Trusley shall have **through April 20, 2017**, to proceed as directed. Failure to do so will result in the dismissal of this action without further notice.

IT IS SO ORDERED.

Date: 3/21/2017

A handwritten signature in black ink, reading "Tanya Walton Pratt", is positioned above a horizontal line.

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

Distribution to:

JAMIE TRUSLEY
5542 Woodhollow Drive
Indianapolis, IN 46239