

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DEXTER RAMONE TEAGUE,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:17-cv-00890-WTL-MJD
)	
CORRECTIONS CORPORATION OF AMERICA (Marion County Jail II),)	
)	
Defendant.)	

Entry Discussing Motion to Amend Complaint

The plaintiff's motion to amend complaint, Dkt. No. 30, is **denied as futile**.

I. The Amended Complaint

In his proposed amended complaint, the plaintiff seeks to add two individual defendants, Dr. Neil Probst and Nurse Practitioner John Noll, to his pending claim against Corrections Corporation of America ("CCA") for allegedly violating his Eighth Amendment right to be free of cruel and unusual punishment. The plaintiff brings his claim pursuant to 42 U.S.C. § 1983. He alleges that the defendants were deliberately indifferent to his medical condition when he was denied drugs he had previously been prescribed for rheumatoid arthritis. He further alleges that CCA has a policy and practice of denying Methotrexate and not providing a suitable alternative in violation of his constitutional rights.

In support of these allegations, the plaintiff states that he spent five to six weeks at CCA in the summer of 2016. During the intake process into the facility, a nurse threw away his medical log and told him that CCA did not provide Methotrexate shots. The nurse also told the plaintiff that the doctor was on vacation. Toward the end of his stay, he was seen by Nurse Practitioner

John Noll who offered to give him a shot of Methotrexate. The plaintiff was concerned about whether it would be safe to be given a full dose after several weeks without it. Mr. Noll agreed with the plaintiff's concerns and said the plaintiff would have to see the doctor to be treated. The plaintiff was transferred out of CCA before ever having an appointment with Dr. Neil Probst.

II. Discussion of Claims

The plaintiff's claim against Dr. Neil Probst fails to state a claim upon which relief can be granted. The alleged facts do not support that Dr. Probst was deliberately indifferent to the plaintiff's medical condition. Dr. Probst was allegedly on vacation. He never treated the plaintiff. There are no factual allegations that he was aware of the plaintiff's medical condition. "A damages suit under § 1983 requires that a defendant be personally involved in the alleged constitutional deprivation." *Matz v. Klotka*, 769 F.3d 517, 528 (7th Cir. 2014); *see Minix v. Canarecci*, 597 F.3d 824, 833 (7th Cir. 2010) ("[I]ndividual liability under § 1983 requires 'personal involvement in the alleged constitutional deprivation.'") (citation and quotation mark omitted).

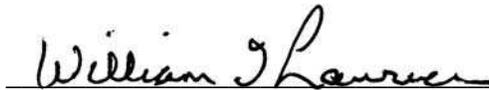
The plaintiff's claim against Nurse Practitioner John Noll also fails to state a claim upon which relief can be granted. Although Mr. Noll treated the plaintiff, the factual allegations do not support a claim that he was deliberately indifferent to the plaintiff's medical condition. To the contrary, he offered to give the plaintiff a shot of Methotrexate, but after further discussion with the plaintiff, Mr. Noll agreed that he lacked the medical expertise to treat the plaintiff and suggested an appointment with a doctor. Although Dr. Neil Probst and Nurse Practitioner John Noll are not proper defendants in this action, they may be witnesses who could provide information relevant to the plaintiff's claim against CCA.

III. Conclusion

For these reasons, the plaintiff cannot add the additional defendants to this action. Only the plaintiff's Eighth Amendment deliberate indifference policy and practice claim against CCA identified in this Court's screening entry, Dkt. No. 7, shall proceed. This defendant has already been served and has appeared in this action.

IT IS SO ORDERED.

Date: 11/30/17



Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Distribution:

William A. Hahn
BARNES & THORNBURG LLP (Indianapolis)
william.hahn@btlaw.com

DEXTER RAMONE TEAGUE
946659
2033 Lewis Drive
Niles, MI 49120