

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

ANGELITO C. MERCADO,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 1:17-cv-00918-TWP-MPB
	)	
COLUMBUS POLICE DEPARTMENT,	)	
JAMES LEINHOOP MAYOR,	)	
	)	
Defendants.	)	

**Entry Assessing Initial Partial Filing Fee, Discussing Amended Complaint,  
and Directing Service of Process**

***I. In Forma Pauperis***

The plaintiff=s motion to proceed *in forma pauperis*, [dkt. 8] is **granted**. The plaintiff is assessed an initial partial filing fee of Six Dollars and Twenty-Three Cents (\$6.23). He shall have **through May 18, 2017**, in which to pay this sum to the clerk of the district court. Failure to do so may result in the dismissal of the action for failure to prosecute.

**II. Screening**

Because Plaintiff is an Indiana prisoner and he is proceeding in *forma pauperis*, the amended complaint is 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.*

The plaintiff, Angelito Mercado (“Mr. Mercado”), filed this civil rights action pursuant to 42 U.S.C. § 1983. He is incarcerated at the Bartholomew County Jail. In his amended complaint

filed on April 20, 2017, Mr. Mercado alleges that Officer Drake Maddix and Officer Nolting of the Columbus Police Department arrested him on November 1, 2016, and took him to a local hospital where they ordered a nurse to draw his blood, against his wishes. Plaintiff was asked for his consent for the blood draw and he refused. He brings a claim of an unlawful, warrantless search, which falls within the scope of the Fourth Amendment to the United States Constitution. He seeks compensatory damages. This claim may proceed against both defendants.

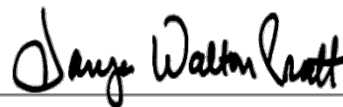
### **III. Service of Process**

The clerk is designated pursuant to *Fed. R. Civ. P.* 4(c) to issue process to Officer Drake Maddix and Officer Nolting in the manner specified by Rule 4(d). Process shall consist of the amended complaint filed on April 20, 2017 (docket 7), applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry.

### **IV. Other Matters**

The clerk shall **update the docket** to reflect the **dismissal of the Columbus Police Department and Mayor Leinhoop** as defendants.

Date: 4/26/2017



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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:

ANGELITO C. MERCADO  
Bartholomew County Jail  
543 2nd Street  
Columbus, IN 47201

Officer Drake Maddix  
c/o Columbus Police Department  
123 Washington Street  
Columbus, IN 47201

Officer Nolting  
c/o Columbus Police Department  
123 Washington Street  
Columbus, IN 47201