

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

NICHOLAS SCHLUETER,

Plaintiff,

v.

Case No. 17-C-1001

TYSON MATNEY,

Defendant.

**ORDER DENYING MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT,
DENYING MOTION FOR SUMMARY JUDGMENT, AND GRANTING MOTION FOR
AN EXTENSION OF TIME**

Pro se Plaintiff Nicholas Schlueter, currently incarcerated in the Bartholomew County Jail, was allowed to proceed pro se on his complaint seeking damages under 42 U.S.C. § 1983 on his claim that three officers/detectives of the Bartholomew County Sheriff's Department essentially planted evidence and framed him for a crime he did not commit. Schlueter now seeks to file an amended complaint adding claims against the City of Columbus and additional employees of both the Bartholomew County Sheriff's Department and Columbus Police Department.

This motion is denied. The complaint is entirely conclusory and fails to specify what the defendants are alleged to have done. There is no respondeat superior under § 1983 and thus a county or city is not liable simply because of the actions of its employees. The only allegation that either the county, the city, or any other employees have any knowledge of what was allegedly going on is entirely conclusory. In other words, Schlueter states no facts from which a reasonable person

could infer that the other parties he seeks to add contributed in any way to the violation of his rights alleged. Accordingly, the motion for leave to amend is denied.

Schlueter has also filed a motion for summary judgment, to which he attaches an evidence receipt and other documents. The motion wholly fails to set out a prima facie case for granting a motion for summary judgment. Summary Judgment is appropriate when the undisputed facts establish that the movant is entitled to judgment as a matter of law. Schlueter's motion wholly fails in this regard and, therefore, is denied. No response is required.

Finally, the defendants have moved for an extension of time to complete discovery and file dispositive motions. They note that the case is relatively recent, no trial date is set, and the plaintiff is scheduled to go to trial in November on the charges that underlie his allegations in this case.

Under these circumstances, the court concludes that the extension of time should be granted. Accordingly, discovery is extended to May 6, 2018 and the dispositive motion deadline is set for June 5, 2018.

SO ORDERED this 6th day of October, 2017.

s/ William C. Griesbach
William C. Griesbach, Chief Judge*
United States District Court - WIED

* Of the Eastern District of Wisconsin, sitting by designation.