

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CHARLES HILL,)
Plaintiff,)
v.)
ANDREW COLE,)
DENNIS DAVIS,)
TRAVIS Mr.,)
SANDERS Officer,)
Defendants.)
No. 1:18-cv-00288-TWP-DML

Entry Discussing Complaint and Directing Further Proceedings

Plaintiff Charles Hill, an inmate at the Pendleton Correctional Facility, brought this action in Madison Superior Court alleging that the defendants have violated his right to access to the courts when they held his legal papers for forty-one days. The defendants have removed the action to this Court.

I. Screening of the Complaint

Because the plaintiff is a “prisoner” as defined by 28 U.S.C. § 1915(h), this Court has an obligation under 28 U.S.C. § 1915A(b) to screen his complaint before service on the defendants. Pursuant to 28 U.S.C. § 1915A(b), the Court must dismiss the complaint if it is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. In determining whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Lagerstrom v. Kingston*, 463 F.3d 621, 624 (7th Cir. 2006). To survive dismissal, [the] complaint must contain sufficient factual matter, accepted as true, to state a claim for 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, 556 U.S. 662, 678 (2009). Pro se complaints such as that filed by the plaintiff are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Obriecht v. Raemisch*, 517 F.3d 489, 491 n.2 (7th Cir. 2008).

Hill alleges that the defendants withheld his legal papers and this resulted in the dismissal of his case in front of the Indiana Court of Appeals. These allegations **shall proceed** against all defendants as a claim that the defendants violated his First Amendment right to access the courts.

This summary of claims includes all of the viable claims identified by the Court. All other claims have been dismissed. If the plaintiff believes that additional claims were alleged in the complaint, but not identified by the Court he shall have **through March 12, 2018**, in which to identify those claims.

II. Duty to Update Address

The pro se plaintiff shall report any change of address within ten (10) days of any change. The Court must be able to locate the plaintiff to communicate with him. If the plaintiff fails to keep the Court informed of his or her current address, the action may be subject to dismissal for failure to comply with Court orders and failure to prosecute.

III. Further Proceedings

The defendants have already appeared in this action. They shall have **twenty-one days** to answer the complaint.

IT IS SO ORDERED.

Date: 2/14/2018



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

Electronic distribution to all electronically registered counsel via CM/ECF and by U.S. mail to:

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PENDLETON - CF
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