UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

| | | |
|---|---|---|
| BRIAN EINES, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | |
| v. | ) | No. 1:21-cv-00354-JPH-MPB |
| | ) | |
| MAYNARD Officer, | ) | |
| EDMONDS Officer, | ) | |
| SERGEI Officer, | ) | |
| ZATECKY Warden, | ) | |
| ARAMARK CORRECTIONAL SERVICES LLC, | ) | |
| | ) | |
| Defendants. | ) | |

**ORDER SCREENING COMPLAINT**
**AND DIRECTING SERVICE OF PROCESS**

Indiana Department of Correction (IDOC) inmate Brian Eines commenced this 42 U.S.C. § 1983 action on February 12, 2021, and paid an initial partial filing fee on March 23, 2021. Dkt. 6. The Court now screens the complaint and makes the following rulings.

## I.
## Screening Standard

Because the plaintiff is a prisoner, his complaint is subject to the screening requirements of 28 U.S.C. § 1915A(b). This statute directs that the Court shall 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.* To satisfy the notice-pleading standard of Rule 8 of the Federal Rules of Civil Procedure, a complaint must provide 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)); *see also Tamayo v. Blagojevich*, 526 F.3d 1074, 1081 (7th Cir. 2008) (same). The Court construes *pro se* pleadings liberally and holds *pro se* pleadings to less stringent standards than formal pleadings drafted by lawyers. *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015).

## II.
## The Complaint

The complaint names five defendants: Officers Maynard, Edmonds, and Sergei, Warden Zatecky, and Aramark Correctional Services LLC (Aramark).

The following allegations are set forth in the plaintiff's complaint. On November 25, 2020, the plaintiff's unit was on lock-down status. Lunch trays and dinner sacks were delivered at 11:00 am by an unsupervised inmate. Officers Maynard, Edmonds, and Sergei were tasked with delivering the meals to the inmates in the unit, but they failed to do so until 3:30 pm. During the delay, the food sat on a cart at room temperature. The cart was not insulated, cooled, or heated. After eating the food, the plaintiff became ill with symptoms of nausea, vomiting, and diarrhea. He submitted a medical request but was never treated.

The plaintiff contends that Warden Zatecky implemented a system-wide policy allowing inmates to be served unsanitary and contaminated food. He further alleges that defendant Aramark, the company providing food services in the facility, fails to properly store food and supervise food distribution. He seeks injunctive relief and monetary damages.

## III.
## Discussion of Claims

The plaintiff's Eighth Amendment conditions of confinement claims against the defendants **shall proceed** as pleaded in the complaint. The claim against Aramark is proceeding as a policy and practice claim. This summary of claims includes all the viable claims identified by the Court.

If the plaintiff believes that additional claims were alleged in the complaint, but not identified by the Court, he shall have **through May 17, 2021,** in which to identify those claims.

## IV.
## Conclusion and Service of Process

The **clerk is directed** pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to the defendants in the manner specified by Fed. R. Civ. P. 4(d). Process shall consist of the complaint, dkt. [1], applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Order.

The **clerk is directed** to serve the Indiana Department of Correction employees electronically and to mail a courtesy copy of the service documents to Christopher Cody.

**SO ORDERED.**

Date: 4/26/2021

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

BRIAN EINES
988189
PENDLETON - CF
PENDLETON CORRECTIONAL FACILITY
Inmate Mail/Parcels
4490 West Reformatory Road
PENDLETON, IN 46064

Electronic service to Indiana Department of Correction:
Warden Zatecky
Office Maynard
Officer Edmonds
Officer Sergei
(All at Pendleton Correctional Facility)

Aramark Correctional Services LLC
1101 Market Street
Philadelphia, PA 19107

Courtesy copy to:
Christopher Cody
Hume Smith Geddes Green & Simmons, LLP
54 Monument Circle, Suite 400
Indianapolis, IN  46204