

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

DEONTE' SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:22-cv-00375-TWP-MJD
	)	
DANIEL ELLIOTT,	)	
RYAN BOWERSOX, and	)	
WILLIAM MCINERNEY,	)	
	)	
Defendants.	)	

**ENTRY SCREENING THE AMENDED COMPLAINT AND DIRECTING SERVICE**

In its Entry of April 13, 2022, the Court granted *pro se* Plaintiff Deonte' Smith's ("Plaintiff") motion to proceed *in forma pauperis*, screened his Complaint, and directed him to correct his pleading deficiencies by filing an amended complaint no later than May 13, 2022, or his action would be dismissed for lack of subject-matter jurisdiction ([Filing No. 9](#)). On May 2, 2022, Plaintiff filed his Amended Complaint ([Filing No. 12](#)). Because Plaintiff's case is proceeding *in forma pauperis*, the action is subject to screening pursuant to 28 U.S.C. § 1915(e)(2)(B).

District courts have an obligation under 28 U.S.C. § 1915(e)(2)(B) to screen complaints before service on the defendant and 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. Dismissal under the *in forma pauperis* statute is an exercise of the court's discretion. *Denton v. Hernandez*, 504 U.S. 25, 34 (1992). 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 under federal pleading standards,

[the] complaint must contain sufficient factual matter, accepted as true, to state a claim to 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). Thus, a "plaintiff must do better than putting a few words on paper that, in the hands of an imaginative reader, *might* suggest that something has happened to her that might be redressed by the law." *Swanson v. Citibank, N.A.*, 614 F.3d 400, 403 (7th Cir. 2010) (emphasis in original).


In this civil action, *pro se* Plaintiff has filed an Amended Complaint against Defendants Daniel Elliott, Ryan Bowersox, and William McInerney each of whom is an Indianapolis Metropolitan Police Department officer (collectively, "Defendants"). Plaintiff brings this action against the Defendants pursuant to 42 U.S.C. § 1983 for violation of his Fourth, Fifth, and Fourteenth Amendment rights. Plaintiff alleges that on October 21, 2020, he was forcefully removed from his vehicle, illegally searched and seized, and unlawfully detained by the police officer Defendants. He seeks declaratory judgment as well as compensatory damages in the amount of \$350,000.00 and punitive damages in the amount of \$250,000.00. ([Filing No. 12](#)). At this time, the Court has not determined that the action must be dismissed pursuant to § 1915(e) and therefore **shall proceed**. This ruling is without prejudice to the filing of a proper Rule 12 motion.

Because Plaintiff is proceeding *in forma pauperis*, Federal Rule of Civil Procedure 4(c)(3) requires the Court to order service for him. Accordingly, the Clerk is **designated** pursuant to Rule 4(c)(3) to issue process to Defendants Daniel Elliott, Ryan Bowersox, and William McInerney in the manner specified by Rule 4(d). Process shall consist of the Amended Complaint ([Filing No. 12](#)), applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry. Because the Amended Complaint names Daniel

Elliott, Ryan Bowersox, and William McInerney as the only Defendants in this action, the Clerk is **directed** to terminate Lucy Frick, Emily Chastain, and Laura Pitts as defendants on the docket.

**SO ORDERED.**

Date: 5/10/2022



Hon. Tanya Walton Pratt, Chief Judge  
United States District Court  
Southern District of Indiana

Distribution:

DEONTE' SMITH  
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ADC Mail Room  
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Indianapolis, IN 46203

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William McInerney  
Indianapolis Metropolitan Police Department  
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