

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA**

RALPH THOMAS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	2:11-cv-187-JMS-WGH
	)	
UNITED STATES OF AMERICA, et al.,	)	
	)	
Defendants.	)	

**Entry Discussing Amended Complaint  
and Directing Further Proceedings**

The amended complaint filed on April 19, 2012, [51] has been screened pursuant to 28 U.S.C. § 1915A(b). The plaintiff seeks injunctive relief ordering Bureau of Prison medical providers to provide treatment for his disabling pain related to severe muscle cramps throughout his body. The plaintiff names a variety of medical providers in the complaint explaining how their responses to his requests and grievances were inadequate and in violation of the Eighth Amendment. The plaintiff specifically seeks to add individual defendants to this action, including Dr. W. Wilson, (described by the plaintiff as the Chief Medical Director) and Mr. A. Ndife (who allegedly represented that plaintiff received treatment for his muscle cramps when he had not). See dkt. 50.

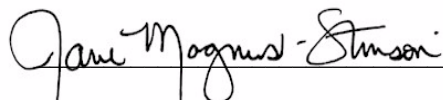
Dr. W. Wilson, Mr. A. Ndife, and Harrell Watts appear to be appropriate defendants from which the plaintiff could obtain the injunctive relief he seeks in his amended complaint pursuant to theory recognized in *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971). See *Corr. Services Corp. v. Malesko*, 534 U.S. 61, 74 (2001) (recognizing that a lawsuit for “injunctive relief has long been recognized as the proper means for preventing entities from acting unconstitutionally.”); *Glaus v. Anderson*, 408 F.3d 382, 389 (7th Cir. 2005) (stating “injunctive relief, [] is a proper remedy for a *Bivens* claim”). These officials are necessarily sued in their individual capacity only. *Id.* Any claim against the defendants in their official capacities is barred by the United States’ sovereign immunity.

**All other defendants are dismissed for failure to state a claim upon which relief may be granted.** See Memorandum Opinion of April 29, 2011. The clerk is directed to terminate the United States of America and the Federal Bureau of Prisons on the docket.

The **clerk is designated**, pursuant to *Fed. R. Civ. P. 4(c)(3)*, to issue process to defendants Dr. W. Wilson and Mr. A. Ndife. Defendant Harrell Watts has already appeared by counsel. Process shall consist of a summons. Because plaintiff Thomas is proceeding under the theory recognized in *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), **personal service is required.** *Robinson v. Turner*, 15 F.3d 82 (7th Cir. 1994). The Marshal for this District or his Deputy shall serve the summons, together with a copy of the amended complaint, filed on April 19, 2012, and a copy of this Entry, on the defendant and on the officials designated pursuant to *Fed. R. Civ. P. 4(i)(3)*, at the expense of the United States.

**IT IS SO ORDERED.**

Date: 10/03/2012



Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

Distribution:

RALPH THOMAS  
R18369-001  
TERRE HAUTE  
U.S. PENITENTIARY  
Inmate Mail/Parcels  
P.O. BOX 33  
TERRE HAUTE, IN 47808

All Electronically Registered Counsel