



Applying the standard set forth above, claims against the **Prison Health Services (PHS) must be dismissed** because there is no allegation that PHS has a custom or policy of rendering inadequate medical care to prison inmates and because the doctrine of *respondeat superior* is not a viable theory of recovery under the circumstances of this case. *Rodriguez v. Plymouth Ambulance Serv.*, 577 F.3d 816, 828 (7th Cir. 2009).

**John Dallas is dismissed** as a defendant because there is no allegation of wrongdoing on his part to support either a constitutional violation or a state law claim of negligent or intentional infliction of emotional distress. “Where a complaint alleges no specific act or conduct on the part of the defendant and the complaint is silent as to the defendant except for his name appearing in the caption, the complaint is properly dismissed.” *Potter v. Clark*, 497 F.2d 1206, 1207 (7th Cir. 1974); see *Black v. Lane*, 22 F.3d 1395, 1401 and n.8 (7th Cir. 1994)(district court properly dismissed complaint against one defendant when the complaint alleged only that defendant was charged with the administration of the institution and was responsible for all persons at the institution). To the extent this defendant is included as a defendant because of his supervisory position, this position alone is not adequate to support the imposition of liability. See *West v. Waymire*, 114 F.3d 646, 649 (7th Cir. 1997) (“the doctrine of respondeat superior is not available to a plaintiff in a section 1983 suit”).

The **claims for injunctive relief are dismissed as moot** because the plaintiff is no longer incarcerated at the Wabash Valley Correctional Facility or under the care of the defendants. *Church of Scientology of Cal. v. United States*, 506 U.S. 9, 12 (1992)( [I]f an event occurs while a case is pending on appeal that makes it impossible for the court to grant any effectual relief whatever to a prevailing party, the appeal must be dismissed, for federal courts have no authority to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before it. ) (internal quotation marks omitted); *Lehn v. Holmes*, 364 F.3d 862, 871 (7th Cir. 2004) (“[W]hen a prisoner who seeks injunctive relief for a condition specific to a particular prison is transferred out of that prison, the need for relief . . . become[s] moot.”); *Higgason v. Farley*, 83 F.3d 862, 871 (7th Cir. 1996) (same).

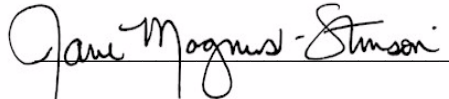
## II.

No partial final judgment shall issue at this time as to the claim(s) resolved in this Entry.

The claims against Dr. Talens, Nurse Fliner, and Kim Grey (in their individual capacities for money damages) shall proceed. The clerk is designated, pursuant to *Fed. R. Civ. P.* 4(c)(3) to issue and serve process on these defendants in the manner specified by *Fed. R. Civ. P.* 4(d)(1). Process shall consist of the complaint, applicable forms and this Entry.

**IT IS SO ORDERED.**

Date: 10/05/2012



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

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Note to Clerk: Processing this document requires actions in addition to docketing and distribution.