

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

RONALD NELSON, JR., )  
vs. )  
Plaintiff, )  
SCOTT WOODS officer, )  
*et al.* )  
Defendants. )  
No. 2:15-cv-00164-WTL-MJD

## Entry Discussing Complaint and Directing Further Proceedings

Plaintiff Ronald Nelson, an inmate at the Putnamville Correctional Facility, brings this action pursuant to 42 U.S.C. § 1983, alleging that he was subjected to constitutionally excessive force while he was housed at the Clark County Jail.

## Screening

The complaint is subject to the screening requirement of 28 U.S.C. § 1915A(b). Pursuant to this statute, “[a] complaint is subject to dismissal for failure to state a claim if the allegations, taken as true, show that plaintiff is not entitled to relief.” *Jones v. Bock*, 549 U.S. 199, 215 (2007). 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).

Based on the foregoing screening certain claims will be dismissed while others shall proceed, consistent with the following:

The following claims are **dismissed**: Any claim against the Clark County Jail is **dismissed** because the Jail is a non-suable entity. *See Smith v. Knox County Jail*, 666 F.3d 1037, 1040 (7th Cir. 2012). The claims against Sheriff Jamie Noel brought because he “is the sheriff right now,” is **dismissed**. First, this defendant is not alleged to have personally participated in any of the alleged actions. *See Munson v. Gaetz*, 673 F.3d 630, 637 (7th Cir. 2012) (section 1983 liability requires a defendant’s personal involvement in the alleged constitutional violation). Further, he cannot be liable simply based upon any supervisory responsibility. *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”). Next, any claim against Lieutenant Colonel Brian Myers is **dismissed** because all such claims are based on this defendant’s supervisory role. *See id.*

The following claim **shall proceed**: The claim that Deputy Scott Woods sprayed Mr. Nelson with pepper spray and punched him **shall proceed** as a claim that this defendant exercised excessive force against Mr. Nelson.

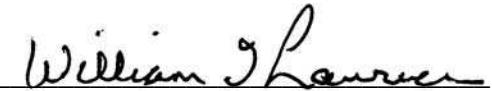
### **Conclusion**

In summary, the claim against defendant Woods **shall proceed** as a claim that this defendant exercised excessive force against Mr. Nelson. All other claims are **dismissed**. If the

plaintiff believes he asserted claims that were not discussed in this Entry, he shall have **through September 7, 2015**, in which to notify the Court.

The clerk is designated, pursuant to *Fed. R. Civ. P.* 4(c)(2), to issue and serve process on defendant Scott Woods in the manner specified by *Fed. R. Civ. P.* 4(d)(2). Process in this case shall consist of the complaint, applicable forms and this Entry.

**IT IS SO ORDERED.**



Date: 8/11/15

Hon. William T. Lawrence, Judge  
United States District Court  
Southern District of Indiana

Distribution:

RONALD NELSON, JR.  
967018  
PUTNAMVILLE - CF  
PUTNAMVILLE CORRECTIONAL FACILITY  
Inmate Mail/Parcels  
1946 West U.S. Hwy 40  
Greencastle, IN 46135

Scott Woods  
Officer/Deputy Jailer  
Clark County Jail  
501 E. Court Avenue  
Jeffersonville, IN 47130

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