

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

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

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.

A handwritten signature in black ink, reading "William T. Lawrence", is written over a horizontal line.

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

Date: 8/11/15

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.