

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

JURIJUS KADAMOVAS,)
Plaintiff,)
vs.) No. 2:17-cv-00050-WTL-DKL
JOHN CARAWAY Former Warden, United)
States Penitentiary Terre Haute,)
CHARLES A. DANIELS Warden, United)
States Penitentiary Terre Haute,)
MICHAEL L. STEPHENS Former Unit)
Manager of the Special Confinement Unit,)
United States Penitentiary Terre Haute,)
MELISSA BAYLESS Former Unit Manager)
of the Special Confinement Unit, United States)
Penitentiary, Terre Haute,)
MICHAEL V. SAMPLE Former Unit Manager)
of the Special Confinement Unit, United States)
Penitentiary,)
SARA M. REVELL Bureau of Prisons)
Regional Director of the North Central Region,)
WILLIAM E. WILSON M.D., Clinical)
Director, United States Penitentiary, Terre)
Haute,)
ANDREW WILLIAM RUPSKA Health)
Services Administration,)
UNKNOWN DEFENDANTS,)
JOHN AND JANE DOE CORRECTIONS)
OFFICIALS,)
CORRECTION OFFICERS,)
LIEUTENANTS,)
CAPTAIN,)
UNKNOWN DEFENDANTS,)
JOHN AND JANE DOE MEDICAL STAFF,)
PSYCHOLOGY STAFF,)
MENTAL HEALTH STAFF,)
Defendants.)

Entry Discussing Complaint, Dismissing Insufficient Claims, And Directing Service of Process

I. Screening of Complaint

The plaintiff, Jurijus Kadamovas (“Mr. Kadamovas”), is an inmate at the United States Penitentiary in Terre Haute, Indiana. He brings his claims pursuant to the theory recognized in *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971). In his complaint, he names the following defendants: 1) John Caraway, Former Warden; 2) Charles A. Daniels, Warden; 3) Michael L. Stephens, Former Unit Manager; 4) Melissa Bayless, Former Unit Manager; 5) Michael V. Sample, Unit Manager; 6) Sara M. Revell, Regional Director; 7) Dr. William E. Wilson, Clinical Director; 8) Andrew William Rupska, Health Services Administrator; and 9) a number of Jane and John Doe Unknown Officers and Staff at the United States Penitentiary Terre Haute. He seeks compensatory damages and injunctive relief.

Mr. Kadamovas has paid the initial partial filing fee. The complaint is now subject to the screening requirement of 28 U.S.C. § 1915A(b). This statute directs that the court dismiss a complaint or any claim within a complaint which “(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.” *Id.*

Mr. Kadamovas alleges claims against a number of Unknown Defendants, John and Jane Doe Corrections Officials, Correction Officers, Lieutenants, and Captain, and John and Jane Doe Medical Staff, Psychology Staff and Mental Health Staff. “[I]t is pointless to include lists of anonymous defendants in federal court; this type of placeholder does not open the door to relation back under Fed.R.Civ.P. 15, nor can it otherwise help the plaintiff.” *Wudtke v. Davel*, 128 F.3d 1057, 1060 (7th Cir. 1997) (internal citations omitted). In addition, collective liability, *i.e.*, when claims are brought against Medical Staff, Psychology Staff, and Mental Health Staff, is not permitted under 42 U.S.C. § 1983. Individual, personal involvement is required. *See*

Starzinski v. City of Elkhart, 87 F.3d 872, 879 (7th Cir. 1996). Therefore, any claims asserted against the **unnamed officers or staff are dismissed without prejudice for failure to state a claim upon which relief can be granted.**

The claims of deliberate indifference to plaintiff's serious medical needs of asthma and breathing problems under the Eighth Amendment shall proceed against all remaining defendants.

No partial final judgment shall issue as to the claims dismissed in this Entry.

II. Service of Process

The clerk is designated pursuant to Rule 4(c)(3) of the *Federal Rules of Civil Procedure* to issue process to defendants John Caraway, Former Warden; Charles A. Daniels; Warden; Michael L. Stephens, Former Unit Manager; Melissa Bayless, Former Unit Manager; Michael V. Sample, Unit Manager; Sara M. Revell, Regional Director; Dr. William E. Wilson, Clinical Director; Andrew William Rupska, Health Services Administrator, and the officials designated pursuant to Rule 4(i)(3). Process shall consist of a summons, which shall be served with a copy of the complaint filed on February 1, 2017 (docket 1), and a copy of this Entry by the Marshal for this District or his deputy, at the expense of the United States.

The clerk shall update the docket to reflect the dismissal of claims against the Unknown Defendants, John and Jane Doe Corrections Officials, Correction Officers, Lieutenants, Captain, John and Jane Doe Medical Staff, Psychology Staff, and Mental Health Staff.

IT IS SO ORDERED.



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

Date: 3/9/17

NOTE TO CLERK: PROCESSING THIS DOCUMENT REQUIRES ACTIONS IN ADDITION TO DOCKETING AND DISTRIBUTION.

Distribution:

Electronically registered counsel

JURIJUS KADAMOVAS
No. 21050-112
TERRE HAUTE - USP
Inmate Mail/Parcels
P.O. BOX 33
TERRE HAUTE, IN 47808

United States Marshal
46 East Ohio Street
179 U.S. Courthouse
Indianapolis, IN 46204