

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

LARRY ANDREW DUNN, JR.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 4:17-cv-00173-TWP-DML
	)	
BRAD JONES Chief,	)	
CONLIN Director,	)	
SAM BEARD Major,	)	
HOWARD Kitchen Officer Mrs.,	)	
	)	
Defendants.	)	

**Entry Granting Motion to Proceed *in forma pauperis*,  
Discussing Complaint, and Directing Further Proceedings**

**I.**

Plaintiff Larry Dunn’s motion to proceed *in forma pauperis*, dkt. [2], is **granted**. The assessment of an initial partial filing fee is not feasible at this time.

**II.**

Because the plaintiff is a “prisoner” as defined by 28 U.S.C. § 1915(h), 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). To survive a motion to dismiss, 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) (quotations

omitted). Pro se complaints such as that filed by the plaintiff, are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007); *Obriecht v. Raemisch*, 517 F.3d 489, 491 n.2 (7th Cir. 2008).

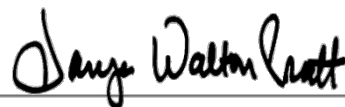
Dunn, an inmate at the Clark County Jail, alleges that he is allergic to mayonnaise, ranch dressing, and tartar sauce. He states that he had to file a number of grievances to obtain medical orders for a diet that did not contain these foods and that the defendants are ignoring these medical orders. In other words, he will often receive food trays that contain foods to which he is allergic.

Based on the screening described above, Dunn's claims **shall proceed** as claims that the defendants have violated his constitutional rights by ignoring his medical needs. If Dunn believes he has raised a claim that his not identified in this Entry, he shall have **through October 2, 2017**, to notify the Court.

The **clerk is designated** pursuant to *Fed. R. Civ. P.* 4(c)(3) to issue process to the defendants in the manner specified by Rule 4(d). Process shall consist of the complaint, applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry.

**IT IS SO ORDERED.**

Date: 9/13/2017



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TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

Distribution:

LARRY ANDREW DUNN, JR.  
CLARK COUNTY JAIL  
Inmate Mail/Parcels  
501 East Court Avenue  
Jeffersonville, IN 47130

Chief Brad Jones  
Clark County Jail  
501 East Court Avenue  
Jeffersonville, IN 47130

Director Conlin  
Clark County Jail  
501 East Court Avenue  
Jeffersonville, IN 47130

Major Sam Beard  
Clark County Jail  
501 East Court Avenue  
Jeffersonville, IN 47130

Kitchen Officer Mrs. Howard  
Clark County Jail  
501 East Court Avenue  
Jeffersonville, IN 47130