

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

JAREL T. HAINES,)	
)	
Plaintiff,)	
)	
v.)	No. 4:19-cv-00165-TWP-DML
)	
JASON BLITON, et al.)	
)	
Defendants.)	

ORDER GRANTING MOTION FOR LEAVE TO FILE AMENDED COMPLAINT, SCREENING AMENDED COMPLAINT, DIRECTING ISSUANCE OF PROCESS, DENYING WITHOUT PREJUDICE MOTION FOR SUMMARY JUDGMENT, AND DIRECTING FURTHER PROCEEDINGS

This matter is before the Court on Jarel Haines' motion for leave to file an amended complaint. Because the Court grants Mr. Haines' motion, it also screens the amended complaint, directs issuance of process on the new defendant, denies without prejudice the defendants' motion for summary judgment, and issues a schedule to proceed toward the conclusion of the matter.

I. Motion for Leave to File Amended Complaint

Jarel Haines' unopposed motion for leave to file an amended complaint, dkt. [40], is **granted**. The **clerk is directed to docket** the proposed amended complaint, dkt. 40-1, as the amended complaint.

II. Screening

Mr. Haines is a prisoner at Pendleton Correctional Facility. Pursuant to 28 U.S.C. § 1915A(b), the Court must dismiss the amended complaint if it is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. In determining whether the amended 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 Cesal v. Moats, 851 F.3d 714, 720 (7th Cir. 2017). To survive dismissal,

[the second amended] complaint must contain sufficient factual matter, accepted as true, to state a claim for 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). Mr. Haines' pro se pleading is construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015).

The amended complaint describes an incident that occurred on July 8, 2019, while Mr. Haines was a pretrial detainee at the Jennings County Jail. The defendants are two Jail employees, Evan and Justin Ponsler. Mr. Haines alleges that the defendants attacked him without justification. Based on these allegations, the action **shall proceed** with Fourteenth Amendment force claims against Evan and Justin Ponsler pursuant to 42 U.S.C. § 1983.

III. Issuance of Process

The **clerk is directed** pursuant to Federal Rule of Civil Procedure 4(c)(3) to issue process to Defendant Justin Ponsler in the manner specified by Rule 4(d). Process shall consist of the amended complaint (dkt. [40-1]), applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry. Evan Ponsler has already appeared in the action and will receive notice of the amended complaint electronically.

IV. Motion for Summary Judgment

The defendants' motion for summary judgment, dkt. [45], is **denied without prejudice**, and Mr. Haines' motion for extension of time, dkt. [56], is **denied as moot**.

V. Conclusion and Further Proceedings

Jarel Haines' unopposed motion for leave to file an amended complaint, dkt. [40], is **granted**. The **clerk is directed to docket** the proposed amended complaint, dkt. [40-1], as the amended complaint.

The action **shall proceed** with Fourteenth Amendment force claims against Evan and Justin Ponsler pursuant to 42 U.S.C. § 1983. These are the only claims identified by the Court. If Mr. Haines believes he asserted claims in the amended complaint that the Court has not addressed, he shall have **through December 11, 2020**, to notify the Court.

The **clerk is directed to add** Justin Ponsler as a defendant and **terminate** Jason Bliton as a defendant. Mr. Haines opted not to include Mr. Bliton as a defendant in his amended complaint. *See* dkt. 40-1 at 4 ("These men was not ordered to attack me by Jason Bliton . . ."). Claims against Mr. Bliton are **dismissed**.

The defendants shall answer the amended complaint in the time required by Federal Rule of Civil Procedure 12(a)(1)(A). The parties shall have **through February 12, 2021**, to complete (or supplement) portions I(A)–(E) of the pretrial schedule at dkt. 28. The parties shall have **through March 31, 2021**, to complete discovery, and **through April 30, 2021**, to file dispositive motions.

IT IS SO ORDERED.

Date: 11/16/2020


Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

JAREL T. HAINES
933623
PENDLETON - CF
PENDLETON CORRECTIONAL FACILITY
Inmate Mail/Parcels
4490 West Reformatory Road
PENDLETON, IN 46064

Caren L. Pollack
POLLACK LAW FIRM, P.C.
cpollack@pollacklawpc.com

Justin Ponsler
Jennings County Sheriff's Office
925 S. State St.
North Vernon, Indiana 47265