

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
(at Lexington)

JASON R. MAYO,)	
)	
Plaintiff,)	Civil Action No. 5:22-CV-73-CHB
)	
v.)	
)	
SHELLY VOTAW CONYERS and)	ORDER
ANGELA CLIFFORD,)	
)	
Defendants.)	

*** **

In June 2021, Plaintiff Jason Mayo filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 in the United States District Court for the Western District of Kentucky. *See Mayo v. Ky. Dep’t of Corr. et al.*, No. 3:21-CV-424-DJH (W.D. Ky. 2021). Mayo complained that following an altercation in mid-2020 he received insufficient medical care for injuries to his hand, and sued officials and medical providers at several prisons. *See* [R. 1 therein].

The Western District screened the Complaint in December 2021, dismissed claims against several defendants, and ordered Mayo to file an amended complaint. *See* [R. 8 therein]. In doing so, it noted that while Mayo named Doctor Angela Clifford as a defendant, he made no allegations against her. And presently-named defendant nurse practitioner Shelly Botaw was not named in Mayo’s original complaint at all. *See id.* at 1-2, 16-17.

Mayo filed his amended complaint in January 2022. *See* [R. 13 therein]. In that pleading, Mayo alleged that two nurses at the Luther Lockett Correctional Complex had provided inadequate medical care, as had Clifford and Botaw while he was confined at the Northpoint Training Center (“NTC”). *See id.* at 4-5. Upon further review, the Western District

concluded that the claims against the two sets of healthcare providers at two different facilities were not properly joined in one complaint and ordered the claims against Clifford and Botaw to be severed into a distinct civil action pursuant to Rules 20 and 21 of the Federal Rules of Civil Procedure. *See* [R. 14 therein]

The severed claims were docketed as a complaint in a new action, and the case was transferred to this Court on venue grounds. *See Mayo v. Botaw*, No. 3:22-CV-169-DJH (W.D. Ky. 2022) [R. 1 therein]; *see also* [R. 1, R. 3]. This Court granted Mayo *pauper* status. [R. 11]. The Court also conducted its initial review of the Complaint pursuant to 28 U.S.C. §§ 1915(e), 1915A, and concludes that the Defendants should be served with process to evaluate Mayo's claims upon a more fully developed record.

Mayo has recently filed a motion to "supplement" his complaint, stating that he has discovered that the actual name for defendant "Shelly Botaw" is Shelli Votaw Conyers. *See* [R. 12, p. 1]. He seeks correction of her name in the docket and contends that the substitution should "relate back" as an amendment to the complaint pursuant to Rule 15 of the Federal Rules. *See id.* at 2. The Court will direct the name substitution as requested but makes no determination at this time regarding the legal effect of the name change.

Because the Court has granted Mayo *pauper* status, the Clerk's Office and the United States Marshals Service ("USMS") will serve the Defendants on his behalf. 28 U.S.C. § 1915(d); Fed. R. Civ. P. 4(c)(3).

Accordingly, the Court **ORDERS** as follows:

1. The Court **GRANTS IN PART** Mayo's motion to supplement the complaint [R. 12]. The Clerk is **DIRECTED** to substitute "Shelli Votaw Conyers" in place of Defendant "Shelly Botaw" in the docket.

2. A Deputy Clerk shall prepare “Service Packets” for defendants Dr. Angela Clifford and Shelli Votaw Conyers. Each Service Packet shall include:

- a. a completed summons form;
- b. the Complaint [R. 1];
- c. this Order; and
- d. a completed USM Form 285.

3. The Deputy Clerk shall deliver the Service Packets to the USMS in Lexington, Kentucky and note the date of delivery in the docket.

4. The USMS shall make arrangements with the appropriate officials at the Northpoint Training Center to personally serve Dr. Angela Clifford and Shelli Votaw Conyers with Service Packets at:

Northpoint Training Center
710 Walter Reed Road
Burgin, KY 40310

This the 10th day of August, 2022.



Claria Horn Boom

CLARIA HORN BOOM,
UNITED STATES DISTRICT COURT JUDGE
EASTERN AND WESTERN DISTRICTS OF
KENTUCKY