

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

RICHARD L. SIMMONS,

Plaintiff,

v.

DANNY DODSON, et al.,

Defendants,

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No. 1:14CV167 SNLJ

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's amended complaint. The Court found deficiencies in his original complaint and ordered him to amend his pleadings. Under 28 U.S.C. § 1915(e), the Court is required to review the amended complaint and dismiss it if it is frivolous, malicious, or fails to state a claim upon which relief can be granted.

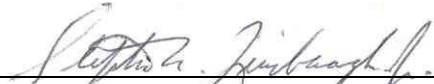
Having carefully reviewed the complaint, the Court finds that process should be issued. Plaintiff claims that prison officials have unlawfully assigned his Social Security Disability Income benefits to themselves or to his prison medical bills. The Court finds that this states a plausible claim for relief for the purposes of § 1915(e) review. See Bennett v. Arkansas, 485 U.S. 395, 397-98 (1988) (Supremacy Clause precluded Arkansas from attaching prisoner's social security benefits). And plaintiff claims that defendant Dodson assaulted him and caused him to suffer an umbilical hernia.

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall issue process on each of the named defendants.

IT IS FURTHER ORDERED that this case is assigned to Track 5B: Prisoner Standard.

Dated this 10th day of February, 2015.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE