

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

## **MEMORANDUM AND ORDER**

Plaintiff, a civil detainee, has filed a complaint under 42 U.S.C. § 1983 and a motion for leave to proceed in forma pauperis. Under 28 U.S.C. § 1915(e), the Court is required to dismiss the complaint if it is frivolous, malicious, or fails to state a claim upon which relief can be granted.

Plaintiff alleges that he was raped by another inmate. Plaintiff told defendant about the rape and she placed him on “lockdown status,” meaning he was not allowed to leave his cell. Later, plaintiff asked to be taken off lockdown status, and his request was granted. Subsequently, the other inmate assaulted plaintiff by choking him. Defendant told plaintiff she did not have any other place to hold the other inmate. After plaintiff contacted a prisoner advocacy group, the other inmate was assigned elsewhere.

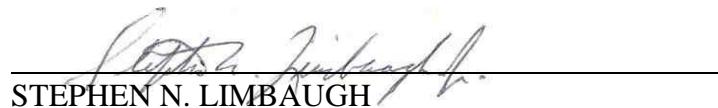
The complaint states a plausible failure-to-protect claim under the Fourteenth Amendment. Therefore, the Court will direct the Clerk to serve defendant with process.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for leave to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

**IT IS FURTHER ORDERED** that the Clerk shall issue process or cause process to issue upon the complaint.

Dated this 9<sup>th</sup> day of February, 2015.



---

STEPHEN N. LIMBAUGH  
UNITED STATES DISTRICT JUDGE