

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

VICTORIA WHITTINGTON, et al.,      )  
    )  
Plaintiffs,                              )  
    )  
v.                                        )    No. 2:13-CV-16-DDN  
    )  
    )  
MARK ISGRIG, et al.,                   )  
    )  
    )  
Defendants.                            )

**MEMORANDUM AND ORDER**

This matter is before the Court upon review of plaintiffs' amended complaint [Doc. #5] under 28 U.S.C. § 1915A.<sup>1</sup>

Pursuant to 28 U.S.C. § 1915A, the "court shall review before docketing if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity." The Court is to dismiss the complaint, or any portion, if it is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief.

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<sup>1</sup>On March 12, 2013, this Court granted plaintiffs thirty days to file an amended complaint [Doc. #4]. Plaintiffs timely filed an amended complaint on April 12, 2013 [Doc. #5].

In reviewing a pro se complaint under § 1915A, the Court must give the complaint the benefit of a liberal construction. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). The Court must also weigh all factual allegations in favor of the plaintiff, unless the facts alleged are clearly baseless. *Denton v. Hernandez*, 504 U.S. 25 (1992).

A review of the amended complaint indicates that plaintiffs' 42 U.S.C. § 1983 and pendent state-law claims survive frivolity review and should not be dismissed at this time.

In accordance with the foregoing,

**IT IS HEREBY ORDERED** that, pursuant to this Court's differentiated case management system, this case is assigned to Track 5B (prisoner actions-standard).

**IT IS FURTHER ORDERED** that defendants shall reply to the amended complaint within the time provided by the applicable provisions of Rule 12(a) of the Federal Rules of Civil Procedure. *See* 42 U.S.C. § 1997e(g)(2).<sup>2</sup>

/S/ David D. Noce  
**UNITED STATES MAGISTRATE JUDGE**

Signed on April 12, 2013.

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<sup>2</sup>The Court notes that because plaintiffs paid the filing fee, they are responsible for serving defendants. *See* Fed. R. Civ. P. 4(m).