

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

MICHAEL MAYER,)	
)	
Plaintiff,)	
)	
v.)	No. 4:14-CV-1356-JCH
)	
CHRISTOPHER CHAMBERS, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on review of plaintiff’s first amended complaint against Christopher Chambers, Robert Kern, and Billy Clouse in their individual capacities [Docs. #31 and #34]. For the following reasons, the Court will order the Clerk of Court to issue process on the amended complaint as to the newly named defendants, Robert Kern and Billy Clouse, and will instruct all three defendants to file a responsive pleading to the amended complaint in accordance with the Federal Rules of Civil Procedure.¹

¹ Plaintiff also claims in the amended complaint that “Officer Melissa Day added things to [his] statement,” and that Sergeant Eric Stotler had plaintiff thrown in a strip cell “with no clothes, mattress or medications for [his] injuries.” The Court will not liberally construe the amended complaint to include Melissa Day and Eric Stotler as named defendants, because plaintiff did not list them in the caption, nor did he name them as defendants on page 3 of the amended complaint. Moreover, the allegations are conclusory and fail to state a claim or cause of action against these two individuals.

42 U.S.C. § 1997e(g)(2)

Pursuant to 42 U.S.C. § 1997e(g)(2), the Court may require any defendant to reply to a complaint brought by a prisoner pursuant to 42 U.S.C. § 1983 if it finds that the plaintiff has a reasonable opportunity to prevail on the merits. Moreover, 28 U.S.C. § 1915A requires the Court to identify any cognizable claims that would survive dismissal.

The Amended Complaint

Plaintiff seeks monetary relief in this 42 U.S.C. § 1983 action against the following Jefferson County Sheriff's Office police officers: Christopher Chambers, Robert Kern, and Billy Clouse. Defendants are being sued in their individual capacities for the use of excessive force against plaintiff in July 2010. The Court finds that plaintiff's allegations state a § 1983 claim for the violation of his constitutional rights. Therefore, the Court will order defendants to reply to the amended complaint.

In accordance with the foregoing,

IT IS HEREBY ORDERED that the Clerk shall issue process or cause process to be issued upon the amended complaint [Docs. #31 and #34] as to defendants Robert Kern and Billy Clouse in their individual capacities.

IT IS FURTHER ORDERED that pursuant to 42 U.S.C. § 1997e(g)(2), all 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.

Dated this 30th day of April, 2015.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE