

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

RICHARD DONALD WATSON, JR.,)

Plaintiff,)

v.)

SONYA WHITE,)

Defendant.)

No. 4:16-CV-1561 CDP

MEMORANDUM AND ORDER

Plaintiff, a prisoner at Algoa Correctional Center, brings his amended complaint before this Court for review pursuant to 28 U.S.C. § 1915. Having carefully reviewed plaintiff's amended complaint, the Court will issue process on defendant Sonya White for claims brought against her in her individual capacity under the Eighth Amendment.

Standard of Review

Under 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. To state a claim for relief, a complaint must plead more than "legal conclusions" and "[t]hreadbare recitals of the elements of a cause of action [that are] supported by mere conclusory statements." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A plaintiff must demonstrate a plausible claim for relief, which is more than a "mere possibility of misconduct." *Id.* at 679. "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* at 678. Determining whether a complaint states a plausible claim for relief is a

context-specific task that requires the reviewing court to draw on its judicial experience and common sense. *Id.* at 679.

When reviewing a complaint under 28 U.S.C. § 1915(e), the Court accepts the well-pled facts as true. Furthermore, the Court liberally construes the allegations.

The Complaint

Plaintiff brings this action pursuant to 42 U.S.C. § 1983 alleging violations of his civil rights during his incarceration at the St. Louis City Justice Center. Specifically, plaintiff asserts that on October 20, 2014, correctional officer Sonya White was escorting him while he was handcuffed from his cell through his dorm. He states that defendant White began to curse at him and punch at him in the head, over and over, and eventually she maced him. Plaintiff claims that he was handcuffed the entire time.

Plaintiff has claimed enough against defendant White in her individual capacity for an excessive force claim in violation of the Eighth Amendment. The Court will issue process on plaintiff's claim.

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall issue process or cause process to be issued on plaintiff's claim for excessive force, in violation of the Eighth Amendment, against defendant Sonya White in her individual capacity.

IT IS FURTHER ORDERED that because plaintiff is proceeding pro se and in forma pauperis, service shall be made by the United States Marshal on behalf of plaintiff. Sonya White may be served at the St. Louis City Justice Center at 200 S. Tucker, St. Louis, Missouri.

Dated this 16th day of February, 2017.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE