

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

| | | |
|-------------------------|---|---------------------|
| STANLEY GENE JOHNSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:17-CV-103 SPM |
| |) | |
| EDWIN WOLFGRAM, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

Plaintiff seeks leave to proceed in forma pauperis in this civil action under 42 U.S.C. § 1983. The motion is granted. Additionally, the Court finds that some of the defendants must be dismissed pursuant to 28 U.S.C. § 1915(e).

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 against several employees of the Metropolitan St. Louis Psychiatric Center. He alleges that defendant Dr. Edwin Wolfgram ordered that he be forcibly medicated with an anti-psychotic drug. Defendant Peter Rarindran restrained him while the injection was administered. Plaintiff had a bad reaction to the drug. He fell unconscious, and his blood pressure dropped to dangerous levels. He says Wolfgram knew that the drug would cause him to lose consciousness. Defendants called for an ambulance, and he was transported to the hospital.

Plaintiff alleges that Dr. Wolfgram and defendant Dr. Tracey Fintel incorrectly diagnosed him as a harm to himself, unlawfully causing him to be civilly committed. He asked defendants Dalton Wilson and Ashley Wafford why his “score” was low, because he felt it should be higher.

Discussion

Because Plaintiff’s complaint states a plausible cause of action, the Court will allow plaintiff’s forcible medication claim to proceed with regard to defendants Dr. Wolfgram and Peter Rarindran. Additionally, the Court will allow plaintiff’s claim that Drs. Wolfgram and Fintel have unlawfully forced him to be civilly committed to go forward. Therefore, the Court will order the Clerk to serve these defendants with process.

“Liability under § 1983 requires a causal link to, and direct responsibility for, the alleged deprivation of rights.” *Madewell v. Roberts*, 909 F.2d 1203, 1208 (8th Cir. 1990); *see Ashcroft v. Iqbal*, 556 U.S. 662, 676 (2009) (“Because vicarious liability is inapplicable to *Bivens* and § 1983 suits, a plaintiff must plead that each Government-official defendant, through the

official's own individual actions, has violated the Constitution.”). Plaintiff's allegations against defendants Wilson and Wafford fail to show their personal involvement in any violation of plaintiff's constitutional rights. Therefore, these defendants are dismissed.

Accordingly,

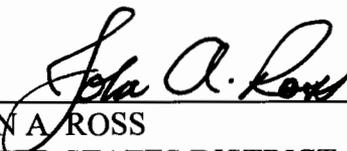
IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [ECF No. 3] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk is directed to issue process on defendants Edwin Wolfgram, Tracey Fintel, and Peter Rarindran, in accordance with the Court's waiver agreement with the State of Missouri.

IT IF FURTHER ORDERED that defendants Dalton Wilson and Ashley Wafford are **DISMISSED** without prejudice.

An Order of Partial Dismissal will be filed separately.

Dated this 12th day of March, 2017.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE