

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:12-cv-60-RJC**

RYAN SCOTT SAUNDERS,)
)
 Plaintiff,)
)
 v.)
)
JOHN CROW, SORRELL)
SAUNDERS, NC DEPT. OF)
CORR.)
)
 Defendants.)
_____)

ORDER

THIS MATTER is before the Court upon initial review of Plaintiff's Complaint filed under 42 U.S.C. § 1983. (Doc. No. 1).

According to Plaintiff's complaint, he is a North Carolina prisoner in custody in the Lincoln County Correctional Center.¹ While housed at Scotland Correctional Plaintiff broke two of his fingers in 2011, and suffered damage to the ligaments in his fingers. Plaintiff made several requests to prison staff for medical treatment of his injured fingers but was refused. Plaintiff participated in the grievance process in an effort to secure medical attention but medical treatment was again refused. After continued attempts to access medical care, Plaintiff was transferred from Scotland Correctional to Dan River Correctional where Plaintiff again requested medical attention but was refused. Plaintiff and his family pressed the issue and he was thereafter transferred to his present location in Lincoln County Correctional. Plaintiff states that as of the date he filed his complaint, May 21, 2012, he has not received the necessary medical

¹The Court will omit the word alleged in this overview of Plaintiff's complaint for ease of reading. Plaintiff's allegations are taken as true at this stage of the litigation.

treatment. (Doc. No. 1 at 3).

Plaintiff also contends that a filling fell out of one of his teeth in March or April, 2012, and this, he believes, has caused him headaches and a swollen jaw. Plaintiff states that he was taken by prison authorities to a dentist, and was informed that the course of prescribed treatment was to pull the tooth out. (Id. at 5).

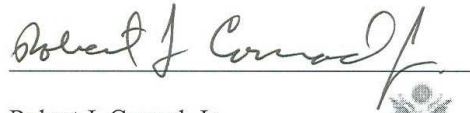
In his prayer for relief, Plaintiff is seeking “undisclosed compensation from the Department of Correction for violation of my civil rights.” (Id. at 4). Plaintiff is asking for compensation for any surgery that may be required to repair his fingers and “medical attention from a Sport Surgeon to properly address surgery if needed at the expense of the Department of Correction.” (Id.). In addition, Plaintiff is seeking medical attention for his tooth.

The allegations in Plaintiff’s complaint, taken as true at this stage, set forth a colorable claim of deliberate indifference to Plaintiff’s medical needs, and a resulting lingering injury. Upon a review of Plaintiff’s allegations, the Court finds that defendants should be required to respond to Plaintiff’s complaint.

IT IS, THEREFORE, ORDERED that:

1. The Clerk of Court shall prepare process for each of the defendants named in Plaintiff’s Complaint and deliver the process to the U.S. Marshal;
2. The U.S. Marshal shall serve process upon each of the defendants;
3. Each of the defendants should file a response to Plaintiff’s allegations in accordance with the Federal Rules of Civil Procedure; and
4. The Clerk of Court shall send a copy of this Order to Plaintiff.

Signed: July 3, 2012



Robert J. Conrad, Jr.
Chief United States District Judge

