

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

MARK GRIFFIN, SR., et al.,

Plaintiffs,

vs.

Civil Action 2:09-CV-210
Judge Sargus
Magistrate Judge King

TERRY COLLINS, Director,
et al.,

Defendants.

INITIAL SCREEN OF THE COMPLAINT

Plaintiffs, state inmates, bring this action under 42 U.S.C. §1983, alleging that conditions in the inmate cafeteria at the Belmont Correctional Institution violate the Eighth Amendment to the United States Constitution and state law. This matter is now before the Court for the initial screen of the *Complaint* required by 28 U.S.C. §§1915(e), 1915A.

At this juncture, the action can proceed on plaintiffs' Eighth Amendment claim. Plaintiffs cannot proceed on their claims under state law unless and until the Ohio Court of Claims determines that defendants are not entitled to immunity from suit by virtue of O.R.C. §9.86. See *Haynes v. Marshall*, 887 F.2d 700, 704 (6th Cir. 1989).

The United States Marshal is **DIRECTED** to effect service of process on each named defendant, who shall have forty-five (45) days after service of process to respond to the *Complaint*.

Plaintiff Mark Griffin's motion for status of the case, Doc. No. 11, is **DENIED** as moot.

June 26, 2009

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge