

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

ZACK HITCHINGS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:15-cv-01022-TWP-TAB
)	
CORIZON HEALTHCARE,)	
LOLIT JOSEPH DR., THERESA STRAW,)	
CONNIE ALLEN N.P.,)	
)	
Defendants.)	

Entry Identifying Additional Claim for Relief against Defendant Allen

In the course of screening, the Court attempted to identify all the viable claims alleged in the complaint. The plaintiff was given the opportunity to identify any additional viable claims alleged in the complaint, which were overlooked by the Court. The plaintiff responded. See dkt. 9. That response is now before the Court.

The plaintiff states that he intended to pursue a privacy claim against defendant Connie Allen. The factual allegations pertinent to this claim are the following: “N.P. Allen was callous, unprofessional and broke privacy laws during a medical visit on 10-2-2013 in her office. On this day N.P. Allen shouted out my medical issues where they were heard by other inmates and DOC staff.” Dkt. 9 at p. 1. These **allegations shall be understood for the purposes of screening to be sufficient to state a claim that N.P. Allen violated the plaintiff’s constitutional right to privacy.** This claim shall proceed in this action.

The defendants are not prohibited from challenging this finding with appropriate case law through a motion to dismiss. In addition, the parties are notified that no other cause of action based on these facts was identified by the plaintiff or the Court. For example, courts have uniformly

held that the Health Insurance Portability and Accountability Act (“HIPAA”) does not create a private cause of action or an enforceable right for purposes of a suit under 42 U.S.C. § 1983. *See Carpenter v. Phillips*, 419 Fed. App'x 658, 659 (7th Cir. 2011); *Tyler v. Wick*, No. 14-CV-68-JDP, 2015 WL 1486506, at *7 (W.D. Wis. Mar. 31, 2015); *Kobishop v. Marinette Cnty. Sheriff's Dep't*, 2013 WL 3833990, at *2 (W.D. Wis. July 24, 2013); *Dodd v. Jones*, 623 F.3d 563, 569 (8th Cir. 2010); *Seaton v. Mayberg*, 610 F.3d 530, 533 (9th Cir. 2010).

IT IS SO ORDERED.

Date: 8/31/2015



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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