

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DONYALL WHITE,)
)
Plaintiff,)
)
vs.) No. 1:15-cv-01347-TWP-DKL
)
VICKI POORE,)
)
Defendant.)

Entry Discussing Complaint

Plaintiff Donyall White (“Mr. White”), an inmate at the Correctional Industrial Facility (“CIF”) brought this complaint in Madison Circuit Court alleging that Defendant Vicki Poore (“Ms. Poore”) has ignored his medical needs. His claims are brought pursuant to 42 U.S.C. § 1983. Ms. Poore removed the case to this Court.

Because Mr. White is a prisoner, the complaint is now subject to the screening required by 28 U.S.C. § 1915A. Pursuant to this statute, “[a] complaint is subject to dismissal for failure to state a claim if the allegations, taken as true, show that plaintiff is not entitled to relief.” *Jones v. Bock*, 127 S. Ct. 910, 921 (2007). “[T]he first step in any [§ 1983] claim is to identify the specific constitutional right infringed.” *Albright v. Oliver*, 510 U.S. 266, 271 (1994). Mr. White alleges that Ms. Poore, the Health Services Administrator at CIF, ignored and failed to provide treatment for constant pain in his feet, ankles, legs, hips, and neck. He also alleges that she ignored injuries he sustained in a fall. These claims **shall proceed** as claims that Ms. Poore exhibited deliberate indifference to Mr. White’s serious medical needs in violation of the Eighth Amendment to the United States Constitution. *See Estelle v. Gamble*, 429 U.S. 97, 104 (1976). Any claim against Ms.

Poore in her official capacity is **dismissed**. *Omosegbon v. Wells*, 335 F.3d 668, 673 (7th Cir. 2003) (the state is not a “person” that can be sued under 42 U.S.C. § 1983).

The defendant has already appeared and filed an answer. A scheduling order will issue through a separate Entry. If the plaintiff believes he has asserted claims which were not addressed in this Entry, he shall have **through September 21, 2015**, in with to so notify the Court.

IT IS SO ORDERED.

Date: 9/3/2015



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

Distribution:

All electronically registered counsel

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