

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

DANNY TYLER COMBS,)	
)	
Plaintiff,)	
)	
v.)	No. 1:24-cv-00517-TWP-CSW
)	
REAGLE Warden,)	
MAGGIE BRYANT Deputy Warden,)	
JACKSON Lt.,)	
JEFFERSON C/O,)	
)	
Defendants.)	

ORDER SCREENING COMPLAINT AND DIRECTING FURTHER PROCEEDINGS

This matter is before the Court for screening of Plaintiff Danny Combs ("Mr. Combs") Complaint. (Dkt. 1). Combs initiated this action alleging that he has been housed under inhumane conditions at Pendleton Correctional Facility (Pendleton). Because he is a prisoner, the Court is obligated to screen his complaint pursuant to 28 U.S.C. § 1915A.

I. Screening Standard

When screening a complaint, the Court must dismiss any portion that is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915A(b). To determine whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Schillinger v. Kiley*, 954 F.3d 990, 993 (7th Cir. 2020). Under that standard, a complaint must include "enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). "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." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

The Court construes *pro se* complaints liberally and holds them to a "less stringent standard than formal pleadings drafted by lawyers." *Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017).

II. The Complaint

Mr. Combs asserts claims for damages against Pendleton Warden Reagle, Deputy Warden Maggie Bryant, Lieutenant Jackson, and Correctional Officer Jefferson. He bases his claims on the following allegations, which the Court accepts as true at the pleading stage. *See Lisby v. Henderson*, 74 F.4th 470, 472 (7th Cir. 2023).

Mr. Combs was confined in a "lockup" unit at Pendleton from at least March through September 2023.¹ The Court understands this to mean that inmates in the unit were confined in their cells all day or nearly all day. Conditions in the unit were filthy. Trash was not removed. The unit was infested with roaches, rodents, and birds. The staff did not protect meal trays from these pests or their droppings or clean droppings off the meal tray cart.

On one occasion, sewage water flooded the unit, including Mr. Combs' cell. Staff members pushed the meal tray cart through the sewage water and served inmates in their flooded cells. They also did an inadequate job of cleaning Mr. Combs' cell afterward.

Mr. Combs often becomes ill or nauseated as a result of these conditions.

Inmates are allowed out of their cells for recreation at most once per week. Often, they go weeks without recreation. Warden Reagle, Deputy Warden Bryant, and Lieutenant Jackson know about these conditions but have failed to take actions to correct them.

III. Discussion of Claims

The action **will proceed** with Eighth Amendment claims against Warden Reagle, Deputy Warden Bryant, and Lieutenant Jackson pursuant to 28 U.S.C. § 1983.

¹ The complaint was signed September 28, 2023, but was not filed until March 20, 2024. There also is an allegation dated November 2023. The reason for these inconsistencies is not clear.

Claims against Officer Jefferson are **dismissed** for **failure to state a claim** upon which relief may be granted. "Liability under [42 U.S.C.] § 1983 is direct rather than vicarious; supervisors are responsible for their own acts but not for those of subordinates, or for failing to ensure that subordinates carry out their tasks correctly." *Horshaw v. Casper*, 910 F.3d 1027, 1029 (7th Cir. 2018). "[I]ndividual liability under § 1983 . . . requires personal involvement in the alleged constitutional deprivation." *Colbert v. City of Chicago*, 851 F.3d 649, 657 (7th Cir. 2017) (internal quotation omitted). The complaint includes no allegations regarding Officer Jefferson's conduct and therefore does not support a reasonable inference that he was involved in or responsible for any violation.

IV. Conclusion and Issuance of Process


The action **will proceed** with Eighth Amendment claims against Warden Reagle, Deputy Warden Bryant, and Lieutenant Jackson pursuant to 28 U.S.C. § 1983. All other claims are **dismissed**. The **clerk is directed to terminate** Officer Jefferson from the docket.

The claims discussed in Part III are the only claims the Court identified in the complaint. If Mr. Combs believes he asserted claims the Court did not address, he must file a motion to reconsider the screening order **no later than November 8, 2024**.

The **clerk is directed** pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to the defendants electronically in the manner specified by Rule 4(d). Process will consist of the complaint (dkt. [2]), applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this order.

IT IS SO ORDERED.

Date: 10/31/2024


Hon. Tanya Walton Pratt, Chief Judge
United States District Court
Southern District of Indiana

Distribution:

DANNY TYLER COMBS
229913
PENDLETON - CF
PENDLETON CORRECTIONAL FACILITY
Electronic Service Participant – Court Only

Electronic service to IDOC defendants at Pendleton Correctional Facility:

Warden Reagle

Deputy Warden Maggie Bryant

Lieutenant Jackson