

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

JAMES MICHAEL HENSLEY, JR.,)	
)	
Plaintiff,)	
)	
v.)	No. 2:23-cv-00562-JRS-MJD
)	
WABASH VALLEY CORRECTIONAL)	
FACILITY EMPLOYEES,)	
)	
Defendant.)	

**ORDER SCREENING AMENDED COMPLAINT
AND DIRECTING FURTHER PROCEEDINGS**

This action is based on James Hensley's allegations that officers at Wabash Valley Correctional Facility failed to intervene in an attack by another inmate. Because Mr. Hensley is a prisoner, the Court must screen his amended 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. Hensley asserts claims for damages and injunctive relief against Sergeant Cobb and Officer Sanacoucie based 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).

In October 2022, an inmate attacked Mr. Hensley, leaving him with serious head injuries. Sergeant Cobb watched the attack from the control booth, and Officer Sanacoucie watched from the floor of the range where the attack occurred. Neither intervened.

III. Discussion of Claims

The action **will proceed** with Eighth Amendment claims for damages and injunctive relief against Sergeant Cobb and Officer Sanacoucie pursuant to 42 U.S.C. § 1983. Damages claims will proceed against the defendants in their individual capacities, and injunctive relief claims will proceed against the defendants in their official capacities.

Mr. Hensley's demand for relief includes a demand for "the proper treatment for [his] head injury." Dkt. 25 at 4. Any injunctive relief claim for medical care is **dismissed without prejudice** because the allegations in the amended complaint do not indicate that either of the defendants is responsible for Mr. Hensley's medical care or capable of providing specified medical care. The proper defendant for an injunctive relief claim is the person who "would be responsible for ensuring that any injunctive relief is carried out." *Gonzalez v. Feinerman*, 663 F.3d 311, 315 (7th Cir. 2011). The defendants are correctional officers employed by the Indiana Department of Correction; any injunctive relief claim for specified medical care must be pressed against the

IDOC's medical care provider or one of its agents responsible for directing and providing Mr. Hensley's treatment.

For defendants to be joined in one lawsuit, at least one claim against all of them must arise out of the same transaction or occurrence, and there must be at least one common question of law or fact that applies to each and every one of them. Fed. R. Civ. P. 20(a)(2)(B). Claims based on failure to properly treat Mr. Hensley's injuries would involve factual and legal questions distinct from those raised by his claims that the officers failed to intervene in the attack. Mr. Hensley may pursue medical care claims in a separate action if he wishes to do so.

IV. Conclusion and Issuance of Process

The action **will proceed** with the Eighth Amendment claims discussed in Part III. All other claims are **dismissed**.

The claims in Part III are the only claims the Court identified in the amended complaint. If Mr. Hensley believes he asserted additional claims that the Court did not address, he must notify the Court **no later than August 9, 2024**.

The **clerk is directed to add** Sergeant Cobb and Officer Sanacoucie as defendants on the docket and **terminate** all other defendants. The **clerk is directed** pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to these defendants electronically in the manner specified by Rule 4(d). Process will consist of the amended complaint (dkt. [25]), applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this order.

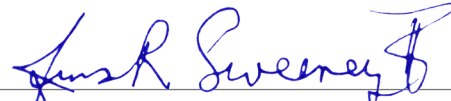
The **clerk is directed to terminate** the Warden of Wabash Valley Correctional Facility from the docket as an interested party. The Court appreciates the Warden's cooperation in facilitating the identification of the proper parties for this lawsuit.

Mr. Hensley's motion requesting information on the status of the case, dkt. [27], is **granted**.

The Court has now screened the amended complaint and will issue further orders after the defendants have answered.

IT IS SO ORDERED.

Date: 07/12/2024



JAMES R. SWEENEY II, JUDGE
United States District Court
Southern District of Indiana

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Electronic service to Indiana Department of Correction defendants at Wabash Valley Correctional Facility:

Sergeant Cobb

Officer Sanacoucie