

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ANDRE MOTON,)	
)	
Plaintiff,)	
)	
v.)	No. 1:23-cv-01534-SEB-TAB
)	
M. SAXON Correctional Officer, et al.,)	
)	
Defendants.)	

Order Screening Complaint and Directing Further Proceedings

Plaintiff Andre Moton is a prisoner currently incarcerated at Pendleton Correctional Facility ("Pendleton"). He filed this civil action alleging that the defendants were deliberately indifferent to his suicidal ideation. Because Mr. Moton is incarcerated, this Court must screen the complaint before service on the defendants. 28 U.S.C. § 1915A(a), (c).

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. Moton names four defendants: (1) Officer M. Saxon; (2) Officer T. Evans; (3) Officer K. Blanton; and (4) Officer N. Krawczyk.

According to his complaint, Mr. Moton is seriously mentally ill. Around 11:00 p.m. on December 30, 2021, he had cut his left wrist several times. Around 11:16 p.m., he told Officer Saxon that he was feeling suicidal, but the officer ignored him and walked away, even after observing the cuts. Mr. Moton then showed Officer Blanton and Officer Krawczyk his wrists and said he was feeling suicidal, and both officers laughed and walked away. Around 12:00 a.m., the three officers were walking by his cell, and Mr. Moton again told them he was feeling suicidal and showed them his wrists, which were by then more injured. They all responded that they did not know Mr. Moton was "going to do it that bad," and at that point they contacted their supervisor, Sgt. Foster. Dkt. 2 at 3. Sgt. Foster ordered that Mr. Moton be removed from his cell and taken to be seen by the medical department.

Mr. Moton requests monetary damages and for better training for officers responding to mentally ill inmates.

III. Discussion of Claims

Applying the screening standard to the factual allegations in the complaint certain claims are dismissed while other claims shall proceed as submitted.

Mr. Moton's Eighth Amendment deliberate indifference claims **shall proceed** against Officers Saxon, Blanton, and Krawczyk.

Any claim against Officer Evans is **dismissed for failure to state a claim** upon which relief can be granted. "Individual 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). Mr. Moton does not mention Officer Evans in the body of his complaint.

This summary of claims includes all of the viable claims identified by the Court. All other claims have been dismissed. If Mr. Moton believes that additional claims were alleged in the complaint, but not identified by the Court, he shall have **through January 2, 2024**, in which to identify those claims.

The **clerk is directed** to terminate Officer T. Evans as a defendant on the docket.

IV. Service of Process

The **clerk is directed** pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to defendants (1) Officer M. Saxon; (2) Officer K. Blanton; and (3) Officer N. Krawczyk in the manner specified by Rule 4(d). Process shall consist of the complaint, dkt. [2], exhibits, dkt. [2-1], 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 serve the Indiana Department of Correction employees electronically.

Nothing in this Order prohibits the filing of a proper motion pursuant to Rule 12 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Date: 12/13/2023



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

Distribution:

ANDRE MOTON
231926
PENDLETON - CF
PENDLETON CORRECTIONAL FACILITY
Electronic Service Participant – Court Only

Electronic service to Indiana Department of Correction:

Officer M. Saxon
Officer K. Blanton
Officer N. Krawczyk
(All at Pendleton Correctional Facility)