

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ADONIS ROBERT RINKER,)	
)	
Plaintiff,)	
)	
v.)	No. 1:23-cv-00566-JRS-MG
)	
CENTURION HEALTH OF INDIANA,)	
JACOBS,)	
)	
Defendants.)	

**ORDER SCREENING AMENDED COMPLAINT AND
DIRECTING SERVICE OF PROCESS**

Adonis Robert Rinker, a prisoner at New Castle Correctional Facility, brings this lawsuit alleging deliberate indifference to a serious medical need. Because Mr. Rinker is incarcerated, the Court must screen his amended complaint before directing service on the defendants. 28 U.S.C. § 1915A. As explained below, Mr. Rinker's Eighth Amendment claim for injunctive relief **shall proceed** against Centurion Health of Indiana, LLC. All other claims are **dismissed**.

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 Mr. Rinker's amended 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, the amended 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 Amended Complaint

The amended complaint names the following defendants: Centurion Health of Indiana, Medical Assistant Jacobs, HSA Farr, Warden Sevier, and the Geo Group. (Dkt. 13 at 1). Mr. Rinker is seeking injunctive relief and compensatory damages.

The amended complaint makes the following allegations. Mr. Rinker has two hernias. Since 2019, the only treatment he has received has been Tylenol and a hernia belt. He needs hernia surgery, but every time he asks about it, he is given a new justification for its delay (*e.g.*, an administrative oversight, Covid-19 lockdowns, the need to submit new paperwork). "It was almost like a game was being played, or Medical was telling Plaintiff whatever, to get him to stop asking." (*Id.* at 2).

III. DISCUSSION

Applying the screening standard to the allegations in the amended complaint, some claims are dismissed, and one claim shall proceed.

A. Claims that are Dismissed

The amended complaint lists Medical Assistant Jacobs, HSA Farr, Warden Sevier, and Geo Group as defendants. (Dkt. 13 at 1). However, the "Statement of Claim" section does not include any allegations against these defendants. Thus, the amended complaint does not provide sufficient allegations to state a claim against these defendants, and any claims against them are **DISMISSED**. *See Colbert v. City of Chicago*, 851 F.3d 649, 657 (7th Cir. 2017) ("Individual liability under § 1983 requires personal involvement in the alleged constitutional deprivation.")

(cleaned up); *Dean v. Wexford*, 18 F.4th 214, 234-235 (7th Cir. 2021) (a private corporation acting under color of state law may be liable for a constitutional violation caused by a corporate policy or custom or by an act of a final decisionmaker).

B. Claims that shall Proceed

Liberally construed, the amended complaint alleges that Mr. Rinker's hernias are serious medical needs, that the treatments he has received for four years (*i.e.*, Tylenol and a hernia belt) are inadequate, and that Centurion continues to delay his hernia surgery without a legitimate medical or penological purpose. While this single alleged constitutional violation is insufficient to state a claim against Centurion for damages, *see Dean*, 18 F.4th at 234-35, Mr. Rinker's Eighth Amendment medical claim for injunctive relief **SHALL PROCEED** against Centurion.

This summary includes all viable claims identified by the Court. If Mr. Rinker believes the amended complaint contains additional viable claims, he may file a notice identifying those claims **within 21 days of the issuance of this Order**.

IV. Service of Process

The **clerk is directed** pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to Centurion Health of Indiana, LLC in the manner specified by Rule 4(d). Process shall consist of the amended complaint, dkt [13], applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Order.

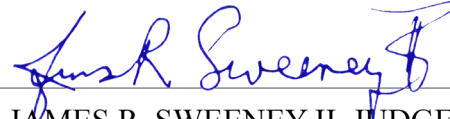
The **clerk is directed** to serve Centurion electronically.

The **clerk is directed to terminate** Medical Assistant Jacobs as a defendant on the docket.

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: 08/11/2023



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

Distribution:

ADONIS ROBERT RINKER
147756
NEW CASTLE - CF
NEW CASTLE CORRECTIONAL FACILITY - Inmate Mail/Parcels
1000 Van Nuys Road
NEW CASTLE, IN 47362

Electronic Service to Centurion Health of Indiana, LLC