

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RONALD L. ROSE,)
)
Plaintiff,)
)
v.) No. 1:23-cv-01415-JRS-MJD
)
WENDY KNIGHT, et al.,)
)
Defendants.)

**Order Granting Motion to Amend, Screening Amended Complaint,
and Directing Further Proceedings**

Plaintiff Ronald Rose is a prisoner currently incarcerated at Pendleton Correctional Facility ("PCF"). He filed this civil action alleging that the defendants failed to protect him from assault from fellow inmates.¹ The Court screened Mr. Rose's complaint as required by 28 U.S.C. § 1915A and allowed his claims to proceed. Dkt. 17. Mr. Rose has filed an amended complaint which is also subject to screening.

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

¹ Mr. Rose also raised claims about his medical care, which were severed into a new lawsuit. Dkt. 17.

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

Mr. Rose's failure-to-protect claims are currently proceeding against Wendy Knight, Andrew Cole, John Poer, Steve Hall, and Robert Stafford. His amended complaint names the same defendants but provides additional factual allegations against them.² Generally, he alleges that members of the Aryan Brotherhood have repeatedly threatened and assaulted him. Investigators Hall and Poer, Robert Stafford, Deputy Warden Cole, and Wendy Knight have failed and continue to fail to protect him from these assaults. In his amended complaint, he alleges that these threats have continued, he has been assaulted with bodily fluids, and has been manipulated into signing transfer papers to Miami Correctional Facility.

III. Discussion of Claims

Applying the screening standard to the factual allegations in the amended complaint, Mr. Rose's Eighth Amendment failure-to-protect claims shall proceed against the defendants as pleaded. All other claims have been dismissed. If the plaintiff believes that additional claims were alleged in the complaint, but not identified by the Court, he shall have **through January 20, 2024**, in which to identify those claims.


² The proposed amended complaint also repeats the allegations regarding Mr. Rose's medical care that were severed from this lawsuit. Based on Mr. Rose's statement in the motion to amend that the motion is directed to his failure to protect claim, dkt. 24, the Court concludes that he does not intend to pursue his medical care claims in this case. Mr. Rose is reminded that an amended complaint should identify all facts and all defendants on which his claims are based but should not set forth unrelated defendants or claims.

IV. Conclusion

The motion to amend, dkt. [24], is **granted** and Mr. Rose's Eighth Amendment claims shall proceed as discussed above. The **clerk shall re-docket** the proposed amended complaint, dkt. [24-1], as the amended complaint and the defendants shall have twenty-one days to file an answer. 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: 12/22/2023



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

Distribution:

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