

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

JASON L. SCHWARTZ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:24-cv-01133-JRS-MG
	)	
SAXTON, et al.,	)	
	)	
Defendants.	)	

**Order Screening Complaint and Directing Further Proceedings**

Plaintiff Jason L. Schwartz is a prisoner currently incarcerated at Pendleton Correctional Facility ("Pendleton"). He filed this civil action alleging claims of excessive force and deliberate indifference to his serious medical needs. Because the plaintiff is a "prisoner," 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**

Plaintiff's factual allegations are accepted as true at the pleading stage. *See Lisby v. Henderson*, 74 F.4th 470, 472 (7th Cir. 2023). The complaint names for defendants: Warden D. Reagle, Sgt. Saxton, Ofc. Clapper, and Ofc. Williams. Dkt. 1 at 1-2. Plaintiff was born with a medical condition that causes him to experience sudden seizures. *Id.* at 3. On November 11, 2023, Plaintiff suffered a seizure and fell to the floor. *Id.* Instead of calling for medical assistance, Sgt. Saxton, Ofc. Clapper, and Ofc. Williams cuffed him while he was still and dragged him facedown out of cell and down a flight of stairs. *Id.* at 4-9. Plaintiff suffered permanent injuries, including head injuries and scarring where he was cuffed too tightly. *Id.* at 8-10. He seeks monetary damages. *Id.* at 11.

## **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.

Any claims against Warden Reagle are dismissed for failure to state a claim upon which relief can be granted. Although Plaintiff alleges that Warden Reagle did not train his subordinates or punish them after the incident, his allegations do not support a cognizable claim under § 1983 because he has not alleged that Warden Reagle was personally involved in the excessive force or medical deliberate indifference. *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.").

The claims which **shall proceed** are the following: Eighth Amendment excessive force and medical deliberate indifference claims against Sgt. Saxton, Ofc. Clapper, and Ofc. Williams.

This summary of claims includes all of the viable claims identified by the Court. 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 2, 2025**, in which to file a motion to reconsider the screening order.

The **clerk is directed** to terminate Warden D. Reagle 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 Sgt. Saxton, Ofc. Clapper, and Ofc. Williams in the manner specified by Rule 4(d). Process shall consist of the complaint, dkt [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: 12/2/2024

Distribution:

JASON L. SCHWARTZ  
137123  
PENDLETON - CF  
PENDLETON CORRECTIONAL FACILITY  
Inmate Mail/Parcels  
4490 West Reformatory Road

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

PENDLETON, IN 46064

Electronic service to Indiana Department of Correction:

Sgt. Saxton

Ofc. Clapper

Ofc. Williams

(All at Pendleton Correctional Facility)