

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

COURTNEY SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:23-cv-01757-JMS-TAB
	)	
SGT. FISH, et al.,	)	
	)	
Defendants.	)	

**Order Screening Amended Complaint and Directing Further Proceedings**

Plaintiff Courtney Smith is a prisoner currently incarcerated at Pendleton Correctional Facility ("Pendleton"). He filed this civil action alleging that he was subjected to inhumane conditions of confinement. Because Mr. Smith 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 Amended Complaint

Mr. Smith names the following defendants in his amended complaint: (1) Sgt. Fish, (2) Officer Ziggler, (3) Sgt. Demmy, (4) Officer Hockey, and (5) Sgt. Brown.

According to the amended complaint, in 2023,<sup>1</sup> after spending 35 days on suicide watch, Mr. Smith was moved to another cell in a different segregated housing unit. The cell had dried blood all over the walls and a bloody noose remained hanging because its former occupant had tried to die by suicide the previous day. Later that day, Mr. Smith alerted Sgt. Fish and Officer Ziggler to the bloody cell walls and noose and told them that the condition of the cell upset him greatly and was causing him to have suicidal thoughts. He asked that the cell be cleaned or that he be moved. The officers laughed and walked away.

Later that evening, after shift change, Mr. Smith told Sgt. Demmy about the bloody noose, the blood on the cell walls, and his lack of access to hygiene material. Sgt. Demmy ignored him.

The next day, Mr. Smith told Officer Hockey and Sgt. Brown about his living conditions, but they also ignored him. Mental Health Specialist Mr. Figaro visited Mr. Smith at his cell, and when he saw the conditions of the cell, he immediately wrote a report and spoke with Sgt. Brown asking that Mr. Smith be removed from the cell or that the cell be cleaned. About three hours later, Mr. Figaro came by the cell and saw nothing had changed, so he contacted Sgt. Saxon. At that point, a biohazard team came and cleaned the cell.

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<sup>1</sup> Mr. Smith wrote, "*On 14, 2023*, Plaintiff was placed in segregated restricted housing unit G cell 15 on 4D..." Dkt. 19 at 3 (emphasis added). The Court notes that in his original complaint, he stated that this event occurred in September 2023. Dkt. 1 at 4.

Mr. Smith suffered from suicidal thoughts and had to seek mental health counseling due to being housed in these conditions.

### **III. Discussion of Claims**

Mr. Smith brings Eighth Amendment conditions of confinement and state law negligence claims against the defendants. These claims **shall proceed** as submitted.

The **clerk is directed** to terminate Dennis Reagle as a defendant **and to add** (1) Sgt. Fish, (2) Officer Ziggler, (3) Sgt. Demmy, (4) Officer Hockey, and (5) Sgt. Brown as defendants on the docket.

### **IV. Service of Process**

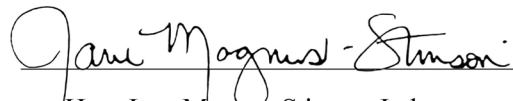
The **clerk is directed** pursuant to *Fed. R. Civ. P.* 4(c)(3) to issue process to defendants (1) Sgt. Fish, (2) Officer Ziggler, (3) Sgt. Demmy, (4) Officer Hockey, and (5) Sgt. Brown in the manner specified by Rule 4(d). Process shall consist of the amended complaint filed on May 29, 2024, dkt. [19], 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: 6/13/2024

  
Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

Distribution:

COURTNEY SMITH  
941833  
PENDLETON - CF  
PENDLETON CORRECTIONAL FACILITY  
Electronic Service Participant – Court Only

Electronic service to Indiana Department of Correction:

Sgt. Fish  
Officer Ziggler  
Sgt. Demmy  
Officer Hockey  
Sgt. Brown  
(All at Pendleton Correctional Facility)