

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RAYMOND CURTHEL WHITE,)	
)	
Plaintiff,)	
)	
v.)	No. 1:24-cv-00186-RLY-CSW
)	
NKEMAKOLOM, et al.,)	
)	
Defendants.)	

Order Screening Complaint and Directing Further Proceedings

Plaintiff Raymond C. White is a prisoner currently incarcerated at Plainfield Correctional Facility. He filed this civil action alleging claims of excessive force by correctional officers. Because the plaintiff is a "prisoner," this Court has an obligation to 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. White'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 four defendants: Pendleton Correctional Facility, Sergeant Nkemakolom, Officer L. Van, and Officer Omaley. Mr. White alleges the following in his complaint. After a confrontation with his cellmate had already ended, Officer L. Van and Sergeant Nkemakolom responded unnecessarily with the use of force to separate them. Specifically, Sgt. Nkemakolom sprayed him with a chemical directly in his face to the point that he lost consciousness and fell to the ground. When he awoke, Officer Van and Sgt. Nkemakolom were kicking and punching him. Sgt. Nkemakolom again sprayed him in his face as Officer Van pulled his arms behind his back. They applied handcuffs too tightly and handed him off to another officer, who attempted to adjust them during the escort to segregation and eventually managed to do so after several minutes.

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.

First, any claim against Plainfield Correctional Facility is **dismissed** for failure to state a claim upon which relief can be granted because a building is not a suable entity under 42 U.S.C. § 1983. *White v. Knight*, 710 F. App'x 260, 262 (7th Cir. 2018), *cert. denied*, 139 S. Ct. 107 (2018); *Looney v. Miami Corr. Facility*, No. 3:18CV18-PPS/MGG, 2018 WL 1992197, at *2 (N.D. Ind. Apr. 27, 2018) (dismissing Miami Correctional Facility).

Second, any claims against Officer Omaly are **dismissed for failure to state a claim upon which relief can be granted**. "[I]ndividual 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). Here, Mr. White's complaint is devoid of any specific mention of Officer Omaley's personal involvement in his alleged constitutional deprivation.

The claims which **shall proceed** are the following: excessive force claims against Sgt. Nkemakolom and Officer L. Van.

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 August 29, 2024**, in which to identify those claims.

The **clerk is directed** to terminate Plainfield Correctional Facility and Officer Omaley 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 Sgt. Nkemakolom and Office L. Van 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: 8/05/2024

A handwritten signature in blue ink, appearing to read 'R. Young', is written over a horizontal line.

RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Distribution:

RAYMOND CURTHEL WHITE
134979
PLAINFIELD - CF
PLAINFIELD CORRECTIONAL FACILITY
Inmate Mail/Parcels
727 MOON ROAD
PLAINFIELD, IN 46168

Electronic service to Indiana Department of Correction:
Sergeant Nkemakolom
Officer L. Van