

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

JAY F. VERMILLION,

Plaintiff,

v.

WILLARD PLANK, *et al.*,

Defendants.

Case No. 3:11-CV-280 JVB

OPINION AND ORDER

Pursuant to 28 U.S.C. § 1915A, the Court screens this prisoner plaintiff's Amended Complaint and will strike it, with leave to amend, because the claims it asserts against various defendants are insufficiently related to each other. *See George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) (explaining the need and proper approach for § 1915A screening of prisoner complaints that contain unrelated claims).

Plaintiff is confined at the Westville Control Unit ("WCU") and proceeding *pro se*. His first complaint, which, like the Amended Complaint, arose under 42 U.S.C. § 1983, asserted a variety of claims that Indiana Department of Correction ("IDOC") officials violated his federally protected rights in myriad respects. The Court screened and struck that complaint, as well, but left Plaintiff time "within which to file an amended complaint containing only a single claim or related claims, and providing the materials necessary to serve the defendants." (DE 8 at 3.) In response, Plaintiff filed the Amended Complaint naming as Defendants the IDOC and twenty-two individual IDOC officials, some of whom are employed at the WCU and some of whom are employed at the Indiana State Prison ("ISP").

So we are now back for the next round of obligatory screening by the Court. Under

§ 1915A, the Court must review the merits of a prisoner complaint against governmental entities or officials and dismiss it if the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. A district court must question and “reject” any complaint that contains unrelated claims against separate defendants. *George*, 507 F.3d at 607.

As noted in this Court’s previous screening order (DE 8 at 2), the Seventh Circuit has criticized a district court for disregarding the *George* case, and reemphasized “that unrelated claims against different defendants belong in separate lawsuits, not only to prevent the sort of morass produced by multi-claim, multi-defendants suits like this one, but also to ensure that prisoners pay all fees required under the Prison Litigation Reform Act.” *Owens v. Hinsley*, 635 F.3d 950, 952 (7th Cir. 2011) (internal quotation marks omitted). The court explained such complaints “should be rejected, *George*, 507 F.3d at 607, either by severing the action into separate lawsuits or by dismissing improperly joined defendants.” *Owens*, 635 F.3d at 952.

Plaintiff’s Amended Complaint, like the first complaint, is similar to the one rejected in *George* in that it seeks to make a single case from unrelated claims involving events that occurred at two separate IDOC facilities. Most of Plaintiff’s claims arose at the ISP, but he also alleges that his transfer from the ISP to the WCU, which is a “supermax” facility, violated his due-process rights (DE 11 para. 7) and that the physical conditions of confinement he has been subjected to at the WCU violate the Eighth Amendment’s prohibition against cruel and unusual punishments (*id.* para. 9).

The Amended Complaint drops several of the claims presented in his original complaint, but still asserts ones involving events that occurred at two different facilities, the ISP and the

WCU, and still names officials at both facilities as defendants. As instructed by *George* and *Owens*, this Court will therefore strike Plaintiff's multi-claim Amended Complaint with leave to the Plaintiff to file a separate complaint or complaints incorporating only related claims. He may bring only properly related claims in his next amended complaint in this case. Unrelated claims must be brought in separate cases. For example, if Plaintiff brings his claims related to the WCU in this case, he would bring the claim that ISP officials violated his rights in another complaint.

For the foregoing reasons, the Court:

- (1) **STRIKES** the amended complaint (DE 11);
- (2) **DIRECTS** the clerk to send Plaintiff, along with his copy of this Order, a blank Prisoner Complaint 42 U.S.C. § 1983 form with this cause number already printed on it, summonses, and USM-285 forms;
- (3) **GRANTS** Plaintiff up to and including March 8, 2012, within which to file an amended complaint containing only a single claim or related claims arising at the same facility, and providing the materials necessary to serve the defendants; and
- (4) **CAUTIONS** Plaintiff that if he does not respond by that deadline, this case may closed without further notice.

SO ORDERED on February 2, 2012.

s/ Joseph S. Van Bokkelen
JOSEPH S. VAN BOKKELEN
UNITED STATES DISTRICT JUDGE