



Jackson v. Doe et al

2023 | Cited 0 times | D. Minnesota | November 28, 2023

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

Ronnie Jackson, Plaintiff, v. John Doe, Dentist; and John Doe, Health Service Administrator, sued in their individual capacities, Defendants.

Case No. 23-cv-3624 (PAM/DJF)

ORDER

Plaintiff Ronnie Jackson alleges that jail officials have been deliberately indifferent to his medical needs and therefore are liable for monetary damages under 42 U.S.C. § 1983 (“Complaint”) (ECF No. 1). In lieu of the paying the filing fee for this matter, Mr. Jackson applied for in forma pauperis (“IFP”) status. (ECF No. 4.) Upon reviewing his IFP application and Complaint, the Court concludes that Mr. Jackson qualifies for IFP status. Accordingly, the Court grants his IFP application. The documents Mr. Jackson submitted in conjunction with his IFP application establish that he has no assets and no means from which to pay an initial partial filing fee in this matter. The Court therefore waives that requirement. See 28 U.S.C. § 1915(b)(4). Mr. Jackson remains responsible for the \$350.00 statutory filing fee, though, which he must pay in installments over time. See 28 U.S.C. § 1915(b)(2). The Court will inform the Officials at the facility where Mr. Jackson now resides of that requirement. IFP status entitles Mr. Jackson to effect service of process through officers of the Court. See 28 U.S.C. § 1915(d). But service of process cannot, as a practical matter, be carried out at this time, because Mr. Jackson has not named an identifiable defendant who could be served with the Summons or Complaint. Neither Mr. Jackson nor the Court can effect service of process on a John Doe. Until Mr. Jackson names an identifiable person or entity as a defendant, the Complaint in this matter cannot be served. “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Because service of process must be carried out within 90 days, Mr. Jackson must file within 90 days an amended complaint identifying a defendant who can be served. Like the original Complaint, the Court will review the amended complaint pursuant to section 1915A. If Mr. Jackson does not file an amended complaint by February 26, 2024, the Court will recommend that this matter be dismissed without prejudice pursuant to Rule 4(m).



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ORDER Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT: 1. Plaintiff Ronnie Jackson's Application to Proceed in forma pauperis (ECF No.[4])

is GRANTED; 2. Mr. Jackson must pay the unpaid balance (\$350.00) of the statutory filing fee for this action in the manner prescribed by 28 U.S.C. § 1915(b)(2), and the Clerk of Court shall provide notice of this requirement to the authorities at the institution where Mr. Jackson is confined; and 3. Mr. Jackson must file an amended complaint naming at least one identifiable

defendant by February 26, 2024, failing which the Court will recommend that this matter be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Dated: November 28, 2023

s/ Dulce J. Foster Dulce J. Foster United States Magistrate Judge

