

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT OWENSBORO**

JEROME BLEVINS

PLAINTIFF

v.

CIVIL ACTION NO. 4:10CV-P26-M

DAVIESS COUNTY DETENTION CENTER MED. STAFF

DEFENDANT

MEMORANDUM OPINION

Plaintiff, Jerome Blevins, filed a *pro se, in forma pauperis* complaint pursuant to 42 U.S.C. § 1983 (DN 1). This matter is before the Court for screening pursuant to 28 U.S.C. § 1915A and *McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997). For the reasons set forth below, the action will be dismissed.

I. SUMMARY OF CLAIMS

Plaintiff, who is incarcerated at the Daviess County Detention Center (DCDC), sues the DCDC Medical Staff. He states that his rights to due process, equal protection, and under the Eighth Amendment are being violated. He states that “I would go on with the facts in this case like times, dates, and names of witnesses but due to it being a fact that mail with [this Court’s] address has been compromised!! So I feel that it will be to my best interest to keep my fact off of this document.” He continues: “But I feel strongly that my medical status going from minor to major under the care of this facility and my mental stress and pain an suffering should be brought before the United States Courts and fear of being threaten or moved in solitary segregation because of my complaints or placed in another facility where my life would be put in danger” As relief, Plaintiff wants monetary damages.

II. ANALYSIS

When a prisoner initiates a civil action seeking redress from a governmental entity,

officer, or employee, the trial court must review the complaint and dismiss the action, if the court determines that it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. *See* 28 U.S.C. §§ 1915A(b)(1) and (2). A claim is legally frivolous when it lacks an arguable basis either in law or in fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). The court may, therefore, dismiss a claim as frivolous where it is based on an indisputably meritless legal theory or where the factual contentions are clearly baseless. *Id.* at 327. While a reviewing court must liberally construe *pro se* pleadings, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam), to avoid dismissal, a complaint must include “enough facts to state a claim to relief that is plausible on its face.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

Some factual basis for a plaintiff’s claims must be set forth in the pleadings. *Chapman v. City of Detroit*, 808 F.2d 459, 465 (6th Cir. 1986). The Court is not required to accept conclusory and unsupported statements. *Dellis v. Corr. Corp. of Am.*, 257 F.3d 508, 511 (6th Cir. 2001). Because Plaintiff gives absolutely no information about his allegations, the Court has no choice but to dismiss his complaint for failure to state a claim.

The Court notes that prison policies regarding outgoing legal mail receive heightened scrutiny under which a prison’s “inspection policy must ‘further an important or substantial government interest unrelated to the suppression of expression,’ and must not limit First Amendment freedoms ‘greater than is necessary or essential to the protection of the particular governmental interest involved.’” *Bell-Bey v. Williams*, 87 F.3d 832, 838 (6th Cir. 1996) (quoting *Procunier v. Martinez*, 416 U.S. 396, 413 (1974)). However, the only Defendant Plaintiff names is the DCDC Medical Staff. Because Plaintiff does not name a Defendant with

regard to allegations that his legal mail is compromised, the Court cannot allow a legal mail claim to go forward.

III. CONCLUSION

For the foregoing reasons, the complaint will be dismissed by separate Order.

Date:

cc: Plaintiff, *pro se*
Defendants
Daviess County Attorney
4414.009