

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

CHARLES FURTICK,	:	
Plaintiff,	:	
	:	
V.	:	PRISONER
	:	CASE NO. 3:12-cv-835 (RNC)
	:	
LEO ARNONE, et al.,	:	
Defendants.	:	

INITIAL REVIEW ORDER

Plaintiff, currently incarcerated, has filed a complaint pro se under 42 U.S.C. § 1983. He names as defendants Commissioner of Correction Leo Arnone, Warden Whidden and Counselor Supervisor B. Griggs. Plaintiff alleges that he was denied due process in connection with his transfer to Northern Correctional Institution following an altercation.

Under 28 U.S.C. § 1915A, the court must review the complaint and dismiss any part of it that 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. Id. The Court must assume the truth of the allegations and interpret them liberally to "raise the strongest arguments [they] suggest[]." Abbas v. Dixon, 480 F.3d 636, 639 (2d Cir. 2007). Although detailed allegations are not required, the complaint must include sufficient facts to afford the defendants fair notice of the claims and the grounds upon which they are based and to demonstrate a right to relief. Bell Atlantic v. Twombly, 550 U.S. 544, 555-56 (2007). Conclusory allegations are not

sufficient. Ashcroft v. Iqbal, 556 U.S. 662, 129 S. Ct. 1937, 1949 (2009).

The complaint alleges the following. Plaintiff, while confined at Carl Robinson Correctional Institution, was involved in a confrontation. A correctional officer claimed that the plaintiff hit him twice while the correctional officer was breaking up the confrontation. Plaintiff was taken to segregation for one hour, then told that he was being transferred to Northern as a result of assault on staff. He was not afforded a hearing, allowed to present witnesses or given any evidence to support the charge of assault on staff prior to the transfer.

Upon reviewing the allegations, the Court notes that the plaintiff alleges no facts indicating that the three defendants named in the complaint were involved in the events at issue. In the absence of allegations showing that the defendants were personally involved in the alleged deprivation of due process, the complaint fails to state a claim on which relief can be granted. This is because a prison official cannot be held liable for an alleged violation of an inmate's rights in an action brought under 42 U.S.C. § 1983 unless the alleged violation was due to the official's own unlawful conduct.

The plaintiff is directed to file an amended complaint that sets forth how each of the three defendants was involved in the deprivation of due process alleged in the complaint. The

plaintiff shall file his amended complaint within **twenty (20) days** from the date of this order. Failure to file an amended complaint may result in the dismissal of this action without further notice from the Court.

So ordered this 15th day of August 2012.

/s/
Robert N. Chatigny
United States District Judge