

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

MICHAEL DAVIS,
Plaintiff,

v.

CONNECTICUT CORRECTIONAL
MANAGED HEALTH CARE, *et al.*,
Defendants.

No. 3:16-cv-1585 (JAM)

INITIAL REVIEW ORDER RE AMENDED COMPLAINT

Plaintiff Michael Davis is a prisoner in the custody of the Connecticut Department of Correction. He filed a complaint *pro se* and *in forma pauperis* under 42 U.S.C. § 1983, alleging deliberate indifference to his medical needs. After an initial review, the Court dismissed all claims against defendant Correctional Managed Health Care and all claims against the defendants in their official capacities. *See* Doc. #11. The Court allowed plaintiff's individual-capacity claims for deliberate indifference under the Eighth Amendment and for retaliation under the First Amendment to proceed, subject to plaintiff's filing an amended complaint that identified the names of the "John Doe" defendants.

On January 11, 2017, plaintiff filed an amended complaint identifying three of the four "John Doe" defendants. In accordance with the Court's first initial review order, *see* Doc. #11, the Court hereby enters the following orders:

(1) **The Clerk shall** verify the current work addresses for each identified defendant, Richard Furey, Sean Mcrae and Dr. Britton, with the Department of Correction Office of Legal Affairs, mail a waiver of service of process request packet containing the Original and Amended Complaints to each defendant at the confirmed address within **twenty-one (21) days** of this Order, and report to the Court on the status of the waiver request on the thirty-fifth (35) day after

mailing. If any defendant fails to return the waiver request, the Clerk shall make arrangements for in-person service by the U.S. Marshal Service on him or her in individual capacity and the defendant shall be required to pay the costs of such service in accordance with Federal Rule of Civil Procedure 4(d).

(2) **The Clerk shall** send written notice to plaintiff of the status of this action, along with a copy of this Order.

(3) **The Clerk shall** send a courtesy copy of the Original and Amended Complaints and this Order to the Connecticut Attorney General and the Department of Correction Office of Legal Affairs.

(4) Defendants shall file their response to the complaint, either an answer or motion to dismiss, within **sixty (60) days** from the date the waiver forms are sent. If they choose to file an answer, they shall admit or deny the allegations and respond to the cognizable claim recited above. They also may include any and all additional defenses permitted by the Federal Rules.

(5) Discovery, pursuant to Federal Rules of Civil Procedure 26 through 37, shall be completed within **seven months (210 days)** from the date of this order. Discovery requests need not be filed with the Court.

(6) All motions for summary judgment shall be filed within **eight months (240 days)** from the date of this Order.

(7) Pursuant to Local Civil Rule 7(a), a nonmoving party must respond to a dispositive motion within twenty-one (21) days of the date the motion was filed. If no response is filed, or the response is not timely, the dispositive motion can be granted absent objection.

(8) If plaintiff changes his address at any time during the litigation of this case, Local Court Rule 83.1(c)2 provides that plaintiff **MUST** notify the Court. Failure to do so can result in

the dismissal of the case. Plaintiff must give notice of a new address even if he is incarcerated. Plaintiff should write PLEASE NOTE MY NEW ADDRESS on the notice. It is not enough to just put the new address on a letter without indicating that it is a new address. If plaintiff has more than one pending case, he should indicate all of the case numbers in the notification of change of address. Plaintiff should also notify defendants or the attorney for defendants of his new address.

(9) Plaintiff shall utilize the Prisoner Efiling Program when filing documents with the Court.

(10) The Court cannot effect service on defendant Health Administrative Remedies Coordinator/Sick Call Nurse without a name and current work address. Plaintiff is directed to obtain this information through discovery and file a notice when he has identified this defendant. Once the defendant is identified, the Court will issue an order for service.

It is so ordered.

Dated at New Haven, Connecticut this 9th day of February, 2017.

/s/ Jeffrey Alker Meyer
Jeffrey Alker Meyer
United States District Judge