

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

JEROME RIDDICK,  
Plaintiff,

v.

SCOTT SEMPLE, et al.,  
Defendants.

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No. 3:16-cv-1769 (SRU)

**REVIEW OF AMENDED COMPLAINT**

The plaintiff, Jerome Riddick, has filed an amended complaint (Doc. No. 24) against the following defendants: Department of Correction, Scott Semple, Henry Falcone, Scott Erfe, Anne Cournoyer, William Mulligan, Angel Quiros, Nick Rodriguez, Craig Burns, Mark Frayne, Heather Gaw, David Maiga, and Edward Maldonado. Riddick alleges claims of breach of the settlement agreement executed on March 5, 2014 (Pl.'s Ex. 1) and the May 14, 2015 clarification of the terms of that agreement (Pl.'s Ex. 2) in accordance with my previous instruction. *See* Order, Doc. No. 23. After careful review pursuant to 28 U.S.C. § 1915A, I hereby enter the following **ORDERS**:

(1) Riddick's breach of contract claims as stated in counts 1 through 12 of the amended complaint may proceed against the defendants in their individual capacities for damages and in their official capacities for declaratory and injunctive relief.

(2) The claims for damages against the defendants in their official capacities and the Department of Correction are **dismissed** pursuant to 28 U.S.C. § 1915A(b)(2). *See Will v. Michigan Dep't of State Police*, 491 U.S. 58 (1989) (state agencies are not persons within the meaning of 42 U.S.C. § 1983); *Kentucky v. Graham*, 473 U.S. 159 (1985) (claims for damages

against defendants in official capacities barred by Eleventh Amendment). The clerk is directed to terminate the Department of Correction as a defendant to this action.

(3) Riddick's First Amendment retaliation claim as stated in paragraphs 88 to 100 of the amended complaint is **dismissed** pursuant to my Initial Review Order entered on May 17, 2017. *See* Order, Doc. No. 13 at 3-5.

(4) The Clerk shall verify the current business addresses for Scott Semple, Angel Quiros, Henry Falcone, Scott Erfe, Edward Maldonado, William Mulligan, Anne Cournoyer, Nick Rodriguez, Craig Burns, Mark Frayne, Heather Gaw, and David Maiga with the Department of Correction Office of Legal Affairs, mail a waiver of service of process request containing the amended complaint (Doc. No. 24) to those defendants at the confirmed addresses within **twenty-one (21) days** of this Order, and report to the court on the status of the waiver requests 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. Marshals Service on him/her, and he/she shall be required to pay the costs of such service in accordance with Fed. R. Civ. P. 4(d).

(5) The defendants shall file their response to the amended complaint, either an answer or motion to dismiss, within **sixty (60) days** from the date the notice of lawsuit and waiver of service of summons forms are mailed to them. If they choose to file an answer, they shall admit or deny the allegations and respond to the cognizable claims recited above. They may also include any and all additional defenses permitted by the Federal Rules.

(6) Discovery, pursuant to Fed. R. Civ. P. 26-37, shall be completed within **six months (180 days)** from the date of this order. Discovery requests need not be filed with the court.

(7) All motions for summary judgment shall be filed within **seven months (210**

**days)** from the date of this order.

So ordered.

Dated at Bridgeport, Connecticut, this 21st day of September 2018.

/s/ STEFAN R. UNDERHILL  
Stefan R. Underhill  
United States District Judge