

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JERRY M.L.K. McNEILL,
Plaintiff,

v.

STATE OF CONNECTICUT,
Defendant.

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No. 3:18-cv-697 (SRU)

INITIAL REVIEW ORDER

On April 23, 2018, Jerry Martin Luther King McNeill (“McNeill”), an inmate currently confined at Hartford Correctional Center in Hartford, Connecticut, brought a *pro se* complaint for damages against Robyn S. Johnson, a state court official, for various constitutional violations. Compl., Doc. No. 1. On May 16, 2018, Magistrate Judge William I. Garfinkel granted McNeill’s motion to proceed *in forma pauperis*. See Order, Doc. No. 11. For the following reasons, McNeill’s complaint is dismissed without prejudice.

Under section 1915A of Title 28 of the United States Code, I must review prisoner civil complaints and dismiss any portion of the complaint that is frivolous or malicious, that fails to state a claim upon which relief may be granted, or that seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A. 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 plausible 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, 678 (2009). The plaintiff must plead “enough facts to state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. Nevertheless, it is well-established that “[p]ro se complaints ‘must be construed liberally and interpreted to raise

the strongest arguments that they suggest.” *Sykes v. Bank of Am.*, 723 F.3d 399, 403 (2d Cir. 2013) (quoting *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474 (2d Cir. 2006)); *see also Tracy v. Freshwater*, 623 F.3d 90, 101-02 (2d Cir. 2010) (discussing special rules of solicitude for *pro se* litigants).

McNeill’s complaint fails to comply with the Federal Rules of Civil Procedure, particularly the rules for proper pleading. Rule 8 requires a civil complaint to contain “a short and plain statement of the claim showing that the [plaintiff] is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Each allegation in the complaint “must be simple, concise, and direct.” Fed. R. Civ. P. 8(d)(1). “The purpose of Rule 8 is ‘to permit the defendant[s] to have a fair understanding of what the plaintiff is complaining about and to know whether there is a legal basis for recovery.’” *Brown v. Semple*, 2017 WL 4246776, at *4 (D. Conn. Sept. 25, 2017) (quoting *Ricciutti v. N.Y.C. Trans. Auth.*, 941 F.2d 119, 123 (2d Cir. 1991)). In addition, Rule 10 requires every complaint to include a caption with the court’s name and a list of all the defendants in the case. As written, McNeill’s complaint does not comply with either of those rules. It lacks a proper caption listing Johnson and any other individuals or entities McNeill is suing as defendants. Moreover, the complaint is vague and confusing; it lacks a clear statement of the facts giving rise to the alleged constitutional violations. *See Brown*, 2017 WL 4246776, at *4 (court may dismiss complaint for failure to comply with Rule 8 if it is confusing, ambiguous, or otherwise unintelligible). Therefore, McNeill’s complaint is dismissed without prejudice subject to amendment.

ORDERS

The complaint is hereby dismissed without prejudice. If McNeill believes he can state a plausible claim against the defendant(s) that complies with Rules 8 and 10, he may file an amended complaint within thirty (30) days of the date of this order. Any amended complaint

must contain a caption as required by Rule 10 and a short and plain statement of the facts showing a plausible claim against each defendant as required by Rule 8. Failure to file an amended complaint that complies with this order within thirty days from the date of this order will result in the dismissal of the action with prejudice.

It is so ordered.

Dated at Bridgeport, Connecticut this 7th day of June 2018.

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