

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE
CIVIL ACTION NO. 3:10CV-24-H**

SERGIO J. ROCA

PLAINTIFF

v.

MARK BOLTON *et al.*

DEFENDANTS

MEMORANDUM OPINION AND ORDER

Plaintiff Sergio J. Roca filed a *pro se, in forma pauperis* civil complaint. By Memorandum Opinion and Order entered May 19, 2010, the Court conducted an initial review of the complaint pursuant to 28 U.S.C. § 1915(e)(2) (DN 5). Upon review, the Court dismissed all claims, except for the excessive-force claim. With respect to that claim against “all LMDC employees,” Plaintiff claimed that all of the “corrupted CO’s [] attacked, assaulted, [and] tried to kill [him] while [he] was in LMDC in the mental health unit on the 2nd and 3rd floor of the jail from 10/6/09 to 11/17/09 and 12/7/09 to 12/18/09.” Plaintiff, however, failed to name specific officers who allegedly harmed him, to specify the circumstances surrounding how he was harmed, and, most importantly, to allege any injury as a result of the alleged wrongdoing. The Court, therefore, concluded that Plaintiff had failed to state a cognizable claim against “all LMDC employees” but provided Plaintiff with 30 days in which to amend the complaint to describe the alleged incidents more specifically and to name those corrections officers who allegedly attacked and assaulted him. The Court warned Plaintiff that failure to file an amendment within the time allotted would result in dismissal of this claim for failure to set forth a cognizable constitutional claim.

The response time has expired, and a review of the record reveals that Plaintiff has failed to file any amendment to the complaint. Accordingly,

IT IS ORDERED that the excessive-force claim is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.

Date:

cc: Plaintiff, *pro se*
4412.005