

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JOSEPH BURGESON	:	
	:	
v.	:	CASE NO: 3:06cv1663 (WWE) (HBF)
	:	
DOWNING, et al.	:	

MEMORANDUM OF DECISION

Defendants Hamden Police Officers Falcigno, Sigmon and Onofrio Jr. and Deputy Chief Onofrio ("the Hamden defendants") move to dismiss all claims against Hamden Police Officers Degrand and Derry for plaintiff's failure to comply with the court's January 22, 2009 order.

On January 22, 2009, the court granted plaintiff leave to amend his complaint to add as defendants Hamden Police Officers Degrand and Derry and EMTs Moreland and Blyth. The proposed amended complaint included claims against State Troopers Faugnan and Vegliante in their official capacity. These claims previously were dismissed. In addition, the court denied plaintiff's claims for declaratory relief. For these reasons, the court afforded plaintiff ten days to file an amended complaint containing only the pending claims and twenty days to complete service forms for the four newly added defendants. Plaintiff was cautioned that failure to comply with the order would result in the dismissal of all claims against the newly added defendants.

The Hamden defendants state that plaintiff still has not filed an amended complaint in accordance with the court's order and move to dismiss all claims against defendants Degrand and Derry. In response, plaintiff states that, on January 14, 2008, he relocated from Lebanon to New Haven. He concedes that he did not receive the order because he did not inform the court of his new address until February 9, 2009. The Clerk mailed him a second copy of the ruling, which he received on February 10, 2009, but did not again provide service forms for him to complete and return.

Plaintiff mailed an amended complaint, accompanied by a motion for extension of time to the court on February 19, 2009. The motion was granted and the amended complaint was filed on March 5, 2009. Plaintiff states that he contacted the court regarding service forms on June 2, 2009. The same day, the Clerk mailed him another set of service forms. To date, however, plaintiff has not completed and returned those forms to the court.

The court excuses plaintiff's failure to return the first set of service forms because he did not receive them. The court does not excuse plaintiff's failure to return the second set of forms, mailed on June 2, 2009.

In conclusion, the Hamden defendants' motion to dismiss [doc. #67] is **GRANTED** as to all claims against Officers Degrand

and Derry. All claims against EMTs Moreland and Blyth are **DISMISSED** because plaintiff also did not return service forms for these defendants.

SO ORDERED at Bridgeport, Connecticut, this 14th day of July 2009.

/s/

Warren W. Eginton
Senior United States District Judge