

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

DAVONN J. JOHNSON,
Plaintiff,

v.

CASE NO. 3:14-cv-244(VAB)

CRAIG SEBASTIAN,
Defendant.

ORDER

Plaintiff, Davonn J. Johnson, is currently incarcerated at Cheshire Correctional Institution in Cheshire, Connecticut. He filed this civil rights Complaint *pro se* pursuant to 42 U.S.C. § 1983. Compl., ECF No. 1. On June 27, 2014, Mr. Johnson filed an Amended Complaint naming Warden Timothy Farrell and Correctional Officer Craig Sebastian as Defendants. Am. Compl., ECF No. 10. He alleged that Defendant Sebastian had denied him access to courts in connection with a criminal matter and had also physically abused him and his family.

On September 4, 2014, the Court dismissed all claims against Defendant Farrell and all claims asserted on behalf of Mr. Johnson's girlfriend and children pursuant to 28 U.S.C. § 1915A(b)(1) and dismissed the claims for money damages against Defendant Sebastian in his official capacity pursuant to 28 U.S.C. § 1915A(b)(2). Initial Review Order, ECF No. 14. The Court concluded that the claim alleging that Correctional Officer Sebastian denied Mr. Johnson access to the courts when he defaced the Mr. Johnson's legal envelope and lost his witness statements and the claim alleging that Correctional Officer Sebastian physically abused the

Plaintiff should proceed against Correctional Officer Sebastian in his individual capacity.

On November 14, 2014, Defendant Sebastian moved to dismiss the claims against him. Mot. to Dismiss, ECF No. 18. On June 25, 2015, the Court granted the Defendant Sebastian's Motion to Dismiss and declined to exercise supplemental jurisdiction over any state law claims. Order dated June 25, 2015, ECF No. 23. The Court also permitted Mr. Johnson to file a second amended complaint to elaborate on his allegation of physical abuse against Defendant Sebastian and to assert facts indicating when the alleged abuse occurred, what type of abuse/force was allegedly used, what type of injuries, if any, Mr. Johnson incurred and the attempts to exhaust this claim of physical abuse. The Court cautioned Mr. Johnson that, if he failed to file an amended complaint within thirty days, the Court would direct the Clerk to enter judgment for Defendant Sebastian on all claims.

Mr. Johnson has not filed a second amended complaint within thirty days of the Court's Order. Accordingly, the Clerk is directed to enter judgment for the Defendant and close this case.

SO ORDERED at Bridgeport, Connecticut this 10th day of August 2015.

/s/ Victor A. Bolden
VICTOR A. BOLDEN
UNITED STATES DISTRICT JUDGE