

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT OWENSBORO**

**DONALD LEE SMITH**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 4:15CV-P59-JHM**

**HOPKINS COUNTY JAIL et al.**

**DEFENDANTS**

**MEMORANDUM OPINION**


Prisoner-Plaintiff Donald Lee Smith filed a pro se complaint pursuant to 42 U.S.C. § 1983. By Memorandum Opinion and Order entered November 3, 2015 (DN 7), the Court conducted initial review of the complaint pursuant to 28 U.S.C. § 1915A and dismissed all claims against the Hopkins County Jail and the claims brought against Sgt. Coy, Sgt. Lampton, Head Nurse Jodie Blake, and Jailer Joe Blue in their official-capacity<sup>1</sup> pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted and determined that any amendment of Plaintiff's Fourteenth Amendment due process claim would be futile as that claim failed to state a claim upon which relief may be granted under 28 U.S.C. § 1915A(b)(1). The Court also granted Plaintiff 30 days within which to file an amended complaint to name those person or persons involved in his Eighth Amendment claims alleging that he is being denied medical and mental health treatment and being placed in a top bunk, to sue them in their individual capacity, and to describe the facts surrounding each persons' involvement in his claims. The Court advised that should Plaintiff file no amended complaint within 30 days, it would enter a final Order dismissing the entire action. On November 12, 2015, the U.S. Postal Service returned Plaintiff's copy of the Memorandum Opinion and Order to the Court with the returned envelope marked "Return to Sender, Unable to Forward."

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<sup>1</sup> Plaintiff sued these Defendants in only their official-capacity.

The Court having dismissed the claims against all Defendants on initial review and Plaintiff having failed to keep the Court advised of his address, see LR 5.2(d), the Court will dismiss the entire action by separate Order for failure to state a claim upon which relief may be granted.

Date: January 19, 2016

  
Joseph H. McKinley, Jr., Chief Judge  
United States District Court

cc: Plaintiff, pro se  
Counsel of record  
4414.005